The Subscription to the SOLICITORS' JOURNAL *is—Town, 26s., Country 28s.; with the* WEEKLY REPORTER, *52s. Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the Office—cloth, 2s. 6d.; half law calf, 4s. 6d.*

All Letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer, though not necessarily for publication.

Where difficulty is experienced in procuring the Journal with regularity in the Provinces, it is requested that application be made direct to the Publisher.

The Solicitors' Journal.

LONDON, MAY 21, 1870.

THE MOTION of which Sir Roundell Palmer has given notice, with reference to the Greek massacre, may raise some interesting questions of law as to the status of an ambassador or his suite in a foreign country. It is admitted that an ambassador is entitled to many privileges, and, in virtue of the "sanctity of his character," is clothed with some important immunities. The question is how far those privileges and immunities extend. According to the irrepressible "Historicus," whose cosmopolitan information appears to enable him to instruct the public upon every conceivable subject at the shortest notice, the "sacredness of his character belongs to the minister at all times, upon all occasions, and in all places within the territory to which he is accredited. He can claim it *eundo, redeundo, et morando.*" The immunity which belongs to his profession is borne about with him everywhere sleeping or waking, in recreation as well as in business. "If you kill me it's murder, but if I kill you it's nothing," was the salutation of Leech's little special constable in '48 to the brawny ruffian supposed to be about to subvert the constitution. Much the same sort of protection, in the opinion of "Historicus," surrounds an ambassador and his secretaries. Some of the latter are young, and it is not impossible that in this country they might one night find themselves involved in some of those riotous frolics in which youth, with wild oats yet to sow, is supposed to delight. If such a catastrophe should occur, and an uncompromising policeman should lay hands on the sacred person of an excited *attaché*, what fearful consequences might ensue! There would be a *casus belli* at once, unless a handsome compensation were immediately made to the injured prisoner. The divinity wherewith he is hedged extends, says that great jurist, "Historicus," to "the opera box," and we presume would cover him "morando" in less reputable resorts.

It is indeed scarcely possible to speak seriously of such extravagance as is contained in the letter of "Historicus" to the *Times*. Fortunately, he is not likely to mislead anyone, for leading columns of the same paper have during the past week contained the true and sensible interpretation of the privilege of ambassadors. They, and their immediate suite, are no doubt, exempt from all ordinary local jurisdiction, civil or criminal. They remain, in all respects, citizens of the state from whence they came; they carry their own laws with them; their children are regarded as natives of their own country, though born abroad. But just as a minister who chooses to engage in mercantile pursuits in the country where he is sent to reside, loses *quoad* these pursuits his inviolability, and subjects his property, excepting so much of it as may be necessary for the legitimate purposes of his diplomatic calling, to attachment for debt (Bynkershoek de foro Legatorum, c. 16), so if he lays aside his official duties, and for the time becomes an ordinary tourist, he must take his chance with other travellers. England can and ought to insist on redress for the murder of Mr. Herbert, not because he was a member of Mr. Erskine's staff, but because he was an Englishman. It seems to us that his case stands exactly on the same footing as those of Mr. Lloyd and Mr. Viner; and when, on the broad principles of international justice, we have such a good case as regards all these unfortunate victims, what is the use of singling out one of them, and of attempting on his behalf to substantiate special claims which are repugnant to common sense, and also, we believe, to the law of nations?

THE DECISION RECENTLY PRONOUNCED by Sir Robert Phillimore in the case of *Martin* v. *Jackson*, upon which so much unfavourable comment has been expressed, will, we trust, draw the attention of legal reformers to the query whether there should not be some reform in the constitution of the Ecclesiastical Court, at any rate in cases where the questions involved concern not the doctrinal orthodoxy, but the moral qualifications of clergymen of the Church of England. We have no desire to express any opinion upon the particular case of Mr. Jackson. Indeed, as notice of appeal has been given it would be improper to do so. But we have observed of late a disposition, on the part of persons whose opinion is entitled to respect, to complain of the present state of the law ecclesiastical wherever a matter of personal character and reputation is concerned. For our own part we do not think it expedient that any clergyman should be compelled to stake his whole professional status—which is, indeed, almost his life—upon the view which a solitary individual, well meaning and honest though he may be, may take of a vast mass of contradictory and perplexing evidence. The public, too, have, it is said, a right to demand that the trial of one of the ministers of the Established Church should take place before a tribunal whose liability to mistake would be presumably less than that of any one man however gifted, painstaking, and anxious to do justice.

It is certainly true that where evidence is contradictory and witnesses are called whose testimony, upon paper, is utterly incapable, upon any reasonable theory, of being reduced into harmony—where, in short, the grossest and most deliberate perjury has been committed on one side or the other—trial by jury is very successful. It is really extraordinary how certainly a jury by a sort of "unerring instinct" find out who is the witness of truth or who is not. The Chief Justice of England in his recent letter to the Lord Chancellor has recognised the supreme excellence, in all cases where there are complicated disputes of fact, of this mode of trial. No doubt there are certain cases in which a jury would be and are of no use. For example, it would be useless to take their opinion on the legality of incense or lighted candles. The late brother of the present Dean of Arches, who certainly was in the habit of expressing somewhat violent opinions, gave in his work, on evidence *et omnibus rebus aliis*, the opinion that in *civil* cases a jury is generally useless, but he decidedly approved it in criminal matters. Baron Bramwell, in giving evidence recently upon the subject, said that if he wanted nothing but the truth in a particular case he should prefer an intelligent judge practised in such questions. But in answer to the question whether his own experience had led him to be dissatisfied with jury trials, Baron Bramwell said "No;" and in proceeding to point out certain classes of cases in which juries habitually go wrong, the learned judge observed—"You may say to them, 'the question is not whether the man is innocent, but whether there is absence of reasonable cause and malice,' but in vain, *they find for the innocent man.*" The truth is that in criminal cases the jury very seldom go wrong, and it would be superfluous for us to point out the affinity of cases in which charges are made against the characters of clergymen to "criminal cases" proper. Why then should not the Dean of Arches have power given him to summon a jury to determine such questions as were raised in *Martin* v. *Jackson*? It would, we are sure, be a relief to him to have such assistance, and the verdict of the jury would command—we may say it without any want of respect—more confidence than that of the judge sitting alone and

unassisted. Even in a running down case in the Court of Admiralty the same judge receives the assistance of nautical assesors. Surely in an inquiry which really concerns interests infinitely more important than can by any possibility be at issue in any admiralty cause, similar help should be rendered to him. We think that no clergyman should be liable to suspension or deprivation for any alleged offence against morals, without having the charge against him investigated by the ordinary and satisfactory criminal tribunal of the country.

IT IS SAID that the Habitual Criminals Act, 1869, (32 & 33 Vict. c. 99), is to be amended this session, and it may, therefore, be useful to recall some of the chief defects of this statute, on which we have already commented several times.

The statute (besides some miscellaneous provisions) deals with three classes of criminals—viz., convicts at large under licences, habitual criminals, and receivers of stolen goods. As regards the first two classes, and, to a limited extent, as to the third class, the ordinary presumption of innocence is, under certain circumstances, reversed, and guilt is presumed until innocence is proved. The sections embodying the chief provisions of the Act are drawn very carelessly, and several questions have already arisen upon them.

By section 8, if any person is convicted on indictment of any of certain specified offences "and he be *proved* to have been previously convicted of" any of certain offences, he is to be subject to police supervision after the term of his imprisonment. Nothing is said as to the time or mode of the proof of the previous conviction. The effect of this omission has aleady been felt. A prisoner was convicted before the Recorder of Bolton on an indictment which contained no charge of any prior conviction. A prior conviction was, however, proved by *viva voce* evidence at the trial. The question was suggested, will the person be liable to supervision after the expiration of his imprisonment? That is, was the prior conviction sufficiently *proved* within the meaning of section 8?

The supervision is no part of the sentence, and the matter, therefore, is still in doubt. A case very like this (*Reg.* v. *Summers*, 17 W. R. 384), had already arisen shortly before the statute was passed, and indeed the bill at first contained a clause (section 19) providing that a previous conviction might be proved, although not charged in the indictment, and without production of the record of such previous conviction. This clause was, however, struck out.

Again, in *Reg.* v. *Harwood*, on the Home Circuit last spring assizes, a difficulty arose in construing section 11, which enacts that on proceedings against persons as receivers of stolen goods, a previous conviction of certain specified offences may be proved "*as evidence*" of the prisoner's knowledge that the goods were stolen, provided that notice is given to the prisoner "that proof is intended to be given of his previous conviction, and that he will be *deemed to have known such goods to have been stolen until he has proved the contrary.*" Keating, J., held that the words of the notice do not extend the enacting part of the section so as to throw upon the accused the *onus* of proving his innocence. In the same case the question was raised whether a bank note was included in the word "goods" in this action. The prisoner was acquitted, so that these points have not been argued.

As we have said, the *onus* of proving innocence is, under certain circumstances, thrown upon criminals, but there is no provision enabling them to give evidence. It seems hard to raise a presumption of guilt against a man and then to forbid him to rebut it by his own evidence, more especially as the matters requiring proof under this statute are peculiarly within the knowledge of the accused, for instance, "that he is not getting his livelihood by dishonest means."

Section 10 is also very objectionable. By it any person keeping a "lodging-house, beer-house, public-house, or any other place where exciseable liquors are sold, or place of public entertainment or resort," who knowingly harbours thieves "or allows the deposit of goods therein, having reasonable cause for believing them to be stolen, shall be liable" to a penalty of £10. Comment is hardly necessary on this section.

Of all the criminal classes receivers are the most injurious. At the same time they are the most easily discovered, because they must have fixed abodes. They are therefore the persons upon whom the criminal law could and ought to operate most effectually. No one disputes this, but it seems as if the framers of section 10 had forgotten it. The offence under the section is restricted to harbouring thieves, &c., in places of public resort, and the penalty is so small that its infliction will not reduce the gains of the offenders to any appreciable extent. It is obvious that the section ought to extend to all persons who harbour thieves, &c., on their premises, irrespective of what other use the premises may be put to. The amount of the penalty should be such as to render the commission of offences against the section unmistakeably unprofitable.

Want of space, and not want of matter, prevents our examining this statute any further at present. There are, however, many other faults in the statute, for instance, according to the literal interpretation of section 3, if a constable has reason to believe that a convict at large under a licence is getting a livelihood by dishonest means and it is found that "there are reasonable grounds for such belief," the convict may forfeit his licence as if convicted of an indictable offence, although it is found as a fact that the convict is *not* getting his livelihood by dishonest means.

WHEN A PARSON RUNS IN DEBT and his living is sequestrated, the result is that there is a great scandal, and the parish goes without the performance of those duties which a good parish minister would and should perform—to say nothing of the wretched effects of a continuing bad example set by the person who ought to preach by his own practice. The Bishop of Winchester and Lord Harrowby have each introduced into the House of Lords a bill designed to remedy this evil. Lord Harrowby's bill was utterly impracticable in its machinery, and was on that ground rightly rejected. The Bishop of Winchester proposes that, in future, sequestrations should be entirely abolished (he does not, of course, intend that the change should affect obligations already contracted), and that whenever a clergyman becomes bankrupt his benefice shall thereupon be vacated. If this measure were likely to prevent the recurrence of the sad state of things above alluded to, we should support it cordially; and it may be that if those who now give the credit could no longer rely on the income of the benefice, they would refuse the credit in the first instance. That, undoubtedly, would be a most happy result. It was hinted, however, by some of the law lords, that the effect of the change would be only to raise the terms of those who supply money and goods. Possibly in the case of officers in the army and other lay contractors of liabilities this may be so to some extent, undoubtedly so where the debts are on "accommodation bills"; we fancy, however, that the debts of bankrupt clergymen are usually tradesmens' accounts. But what would be the practical result of such a measure as that of the Bishop of Winchester? The result would be that no beneficed clergyman would ever become bankrupt. No creditor would ever be so blind to his own pecuniary interest as to take a step which would effectually destroy his chance of ever getting paid. Thus the contingency on which the benefice is to be handed over to a worthier incumbent would never arise, and the parish would continue with its parson steeped in debt, his creditors dunning him steadily on the strength of the stipend. Of the two, we believe that this state of things is worse than that where

the living is sequestrated and an absent parson represented by a curate *locum tenens*.

ON SATURDAY LAST the new hall of the Inner Temple was formally opened by H.R.H. the Princess Louise and Prince Christian, the latter being elected a bencher of the inn, which will entitle him to the privilege of renting chambers, with a seniority of choice, besides the option of eating his dinner in the hall in term time and paying for the same. Afterwards was served that species of lunch which is termed a breakfast. The new hall, decorated for the occasion with choice flowers, looked very "pretty," and the opening ceremony was on the whole an undeniable success. On Mr. Pickering, Q.C., the treasurer, devolved the duty of receiving the Princess. There were present, besides many other greater and lesser celebrities, the Lord Chancellor, the Lord Chamberlain, Lord Westbury, Chief Justice Bovill, the Master of the Temple, Mr. Lowe, Mr. Bruce, Mr. Cardwell, and Mr. Goschen.

On Wednesday the Society of the Inner Temple, or rather as many of its members as could be accommodated in the new building, proceeded to celebrate its "housewarming" in the accustomed English manner by a grand dinner, the party including the Prince of Wales, Prince Christian, the Lord Chancellor, Lord Granville, Lord Derby, Lord Westbury, Lord Chelmsford, the Speaker of the House of Commons, the Lord Chief Justice of England, and many of the Equity and Common Law Judges and Queen's Counsel, Mr. Lowe, Mr. Cardwell, Mr. Goschen, Mr. Corry, Dr. Lushington, Sir David Dundas, &c., &c. Owing to somebody's mistake the invitations were issued for half-past five, while the dinner was not intended to begin till seven. The Master of the Temple said grace. The Treasurer (in the chair) recapitulated some of the curious scenes which had been enacted in the old hall. The party broke up soon after eleven. A peculiar feature in the entertainment was that the whole company after dinner smoked with great solemnity in the withdrawing room, in compliment, probably, to the Prince of Wales, as inheriting the harmless *penchant* of his relative, the late Duke of Sussex.

In addition to these festivities the Inns of Court volunteers contemplate a ball in Lincoln's-inn Hall.

THE MARRIAGE WITH DECEASED WIFE'S SISTER BILL was on Thursday thrown out in the House of Lords, by a narrow majority of 76 to 74. Believing very earnestly that the existing law is bad, we are sorry that its repeal has been thus retarded; but in spite of the efforts of honest opponents of the measure, such for instance as the Lord Chancellor, whose opposition we respect, though we regard it as mistaken, we cannot but recognise that the time is at hand when the repeal will no longer be denied. We must, however, emphatically condemn the idea of effecting the change by a *retro*spective enactment.

IN A CASE BROUGHT RECENTLY before the Court of Common Pleas it appeared that the learned judge of the Shoreditch County Court had entered a nonsuit because the plaintiff could not prove the service of the summons, although the defendant had given notice of his intention to defend, and attended in court with his attorney to proceed with the hearing. The learned county court judge appears to have been guided by the strict letter of the second section of the County Courts Act, 1867, which provides that a plaintiff may enter up judgment "upon proof by affidavit of the service of the summons" in certain cases. The section, however, goes on to say that if the defendant has given notice to defend, "the action shall be heard in the ordinary course." These words appear to be conclusive on the point, as well as being in accordance with the general rule that a summons is presumed to be served if the defendant appears and makes no objection. A doubt as to legal service is frequently cured by a defendant's appearance. The county court judges seem to have no uniform rules as to non-suits and judgments for defendants.

We annex a table in which is exhibited the proportion which nonsuits and judgments for defendant respectively bear to the totals of cases on the several circuits.

TABLE showing the Proportion of Non-suits and Judgments for Defendants to Plaints issued in County Courts in 1868.

Circuit.	Nonsuits.	Judgments for defendants.	Circuit.	Nonsuits.	Judgments for defendants.
1	one in 76	one in 107	30	one in 216	one in 210
2	251	162	31	295	203
3	148	74	32	77	113
4	49	85	33	103	106
5	177	117	34	116	91
6	66	97	35	74	121
7	89	163	36	248	131
8	96	63	37	165	127
9	136	125	38	170	152
10	124	155	39	52	52
11	61	103	40	66	61
12	57	292	41	54	63
13	135	225	42	90	60
14	112	143	43	40	54
15	101	72	44	112	35
16	74	87	45	107	81
17	147	69	46	114	85
18	110	133	47	55	43
19	121	133	48	62	168
20	136	167	49	82	81
21	922	129	50	201	121
22	171	380	51	136	112
23	211	142	52	117	172
24	103	115	53	235	126
25	237	253	54	284	141
26	167	160	55	190	124
27	862	85	56	142	106
28	154	65	57	96	79
29	236	84	58	98	135
			59	99	220
City of London		...	...	64	87
Average of all the courts			..	97	106

OUR READERS WILL BEAR IN MIND that the anniversary dinner of the United Law Clerks' Association takes place next Friday at the Freemasons' Hall, Great Queen-street, Vice-Chancellor James in the chair.

LORD ST. LEONARDS ON THE LAND TRANSFER BILL AND OTHER LAW BILLS IN PARLIAMENT.

Lord Chief Justice Cockburn, in a pamphlet which we noticed last week, makes a very dangerous onslaught on the Lord Chancellor's High Court of Justice and Appellate Jurisdiction Bills, under the guise of friendly criticism; but in the lately published "observations" of Lord St. Leonards on those and other bills no such mask is attempted, the observations from first to last breathe a tone of consistent unmitigated hostility.

His Lordship's observations do not perhaps add much that is new to the controversy upon these bills, but they bring out forcibly some of the most obvious of the objections to them. The most important of these objections, and that on which the noble writer dwells with most force and at greatest length, is the abnormal appearance of the Chancellor of the Exchequer as a controlling power throughout all these proposed changes; that dread functionary being, with the single exception of the Lord Chancellor, the only *ex officio* member either of the proposed Board of Land Registry or of the body to be entrusted with making rules and orders for the High Court of Justice. His Lordship is particularly, and justly, severe upon the provisions for carrying to the credit of the Consolidated Fund the fees to be levied off lands which pass through the registry, and he points his objection by an apt allusion to the Act of last year, by which the Government laid felonious hands upon the

Suitors' Fund. On this point his words require to be quoted *in extenso:*—

"The Government measures would lead me to suppose that their object is to obtain a constant rule over all the great courts of justice in England and to appropriate to the reduction of the National Debt the funds accumulated by fees and charges, and so mixed up together as to prevent individual suitors from claiming their own. An Act has but just passed by which some millions of the security funds of the suitors in chancery have been taken by the Government for the reduction of the National Debt, and the Treasury are constituted the bankers of the suitors, and with power to take from time to time *for ever* any surplus for the National Debt. It ought to have been applied to the reduction of law taxes on suitors. The Treasury has made itself *master of the Court of Chancery* with a view of stripping the suitors from time to time *for ever* of its security funds. It renders reduction of law taxation hopeless, and it places the Government of the country in a false position. If we look at the bill now before us, we shall find that it is of the same character with that which disposed of the funds of the equity suitors. To carry the latter into execution an Act of Parliament was passed after the accumulated funds amounted to millions. The present bill, with the same object, appears, before any accumulation, to dispose by anticipation of the funds in like manner, and to provide also for the power of the Government over the Courts. One cannot fail to be surprised at finding *the Chancellor of the Exchequer* a prominent member of the Land Registry, and he is authorised to do any act or thing authorised to be done by the Board of Registration, having the like power as the Lord Chancellor has under the bill. We have already seen what extensive and unusual powers are given to the Board over the investment of moneys payable under judicial sales, the fees for registration, and costs generally, and any rules are made valid if approved by the Lord Chancellor and *the Chancellor of the Exchequer*. The fees are at once to be paid in aid of the Consolidated Fund, and the Chancellor of the Exchequer's duty will, no doubt, be to look after the funds."

And again—

"The investment by the Court of the suitors' money, when they do not require it to be invested, is a safe and sure mode of accumulating millions, as we have seen. The sum acquired by the investment of suitors' money is treated as a fund for security of the suitors' money invested by their their order; it is taken, we see, by the Government to reduce the National Debt. We should not steal leather to make poor men's shoes. Now, if any trustee were to act as the Court has done, the Court itself would quickly compel the trustee to refund every shilling of the accumulated fund. The Court should no longer be allowed to place the funds acquired by any investment of suitors' money to a general account, but every sum received from investments, whether required to be invested by the owners or not, should be separately carried to their several accounts and then justice would be done. . . . Then would many a household which imputes its misfortunes to the Court of Chancery with its heavy costs rejoice and give all honour when it is due. On the other hand, continue the present system, now it is explained, and the poor widow and orphan will find that a portion of the money taken by the Government to pay the National Debt was the produce of money paid into court by its order, which belonged to their husbands or fathers, and which of moral right belonged to them, and you may then learn what is the real operation of your taking from the poor that which rightly belongs to them. The mis-application of the fund injures the rich as well as the poor, but I must leave the former to protect themselves."

This is very forcible, and to a certain extent very just, though it is obvious that the individual suitor who has had his talent returned simply, because he preferred not to run the risk of investment, is not injured, and that the Court could not safely invest any of the cash at its command if it were to be answerable for all the profits, so as to have no set-off, or only the small per centage offered by Lord St. Leonards, against the cases of loss. Moreover, no such accumulation as that which has actually taken place would have been possible had not the price of the funds been steadily rising through a long series of years, a phenomenon which, for the future, and starting from present quotations, is simply impossible.

But though any attempt to deal with this fund as the property of individuals is obviously futile, it is not the less truly the property of "the suitors in Chancery," and ought, no doubt, to be applied for their benefit as a class, and we quite agree with Lord St. Leonards, that the honour of the country demands its restoration by the treasury to the Court of Chancery.

On the question of compulsory registration, to which we have already taken exception, Lord St. Leonards makes some caustic observations which we cannot do better than transcribe *verbatim*:—

"The bill is peremptory and vindictive, but it does not explain what the effect of the punishment it inflicts will be. The deed, which *is* a conveyance of the fee, and carries the real contract into effect, is not "to pass *any estate* in the land, but shall operate only as a contract." Operate only as a contract! Why, surely the contract vests the equitable fee simple in the purchaser in defiance of the new law! Observe the situation of the parties. The purchaser has got the estate and nobody can take it from him. He has not got the legal fee simple, which I presume revests in the seller, but he can make no use of it, and in fact might be ultimately compelled, if even he were unwilling, which he is not likely to be, once more to convey it to the purchaser; but this will lead to vexation, expense, and litigation. Here are two persons who stood fairly in the characters of vendor and purchaser, with the fee conveyed by the former to the latter, and suddenly, in order to obtain grist at the registry mill, the purchaser is divested of the legal estate in fee of which he may stand in need, and the seller is sure to be embarrassed by the naked fee simple returned to him contrary to his contract and conveyance, and, of course, contrary to his wish. This provision in the bill is quite in harmony with other parts as far as it gives to the measure the character of an Act for imposing additional taxes on real estates."

To this it might be added that this distinction between estate and contract is one of the obstacles to the much coveted fusion of law and equity which it is part of the function of the other Government bills to effect, and that the provision in question, if disregarded by courts of equity, will at most require an occasional additional application under the Trustee Act, 1850—*i.e.*, will produce nothing but expense; while if enforced by those courts it will amount to a direct premium on fraud, not less objectionable than that already supplied by the course taken by the Court in cases where the Statute of Frauds is set up as a bar to an *admitted* contract.

The provision making the Court of Chancery a sort of court of probate for registered land is also objected to by Lord St. Leonards, but, so far as we can see, without just ground: that Court, upon which the duty of administration is thrown, would, on the contrary, seem to us the natural and proper tribunal to determine the devolution in every case, and not merely in the exceptional cases pointed at by the bill. We are surprised that a conveyancer of such eminence and experience as Lord St. Leonards does not see how objectionable is the present system, by which it is often impossible to tell to which of three courts recourse ought to be had in a case of disputed succession to land, and how valuable would be a provision which vested all jurisdiction with respect to the title to and possession of land in one and the same tribunal. That, as things are at present, the Court of Chancery would be the most convenient tribunal to select for this purpose is obvious without discussion.

On the other bills of this class now before Parliament Lord St. Leonards says comparatively little, and that little containing nothing which seems to us new, or newly put; but here his hostility to the proposed legislation is no less decided and undiscriminating than in respect of the Land Bill. He seems to us, however—with deference be it spoken—to have wholly misapprehended the scope and object of the contemplated amalgamation of the courts. Instead of seeing that it is intended that the division of labour as between the several chambers of the new court shall be practically as complete as that now existing as between independent courts, but that purely technical objections to the jurisdiction shall

henceforth be utterly futile, he persists in treating the bill as a bill to compel each court and individual judge to entertain indiscriminately all sorts of suits and proceedings—*i.e.*, to introduce the clauses of the Law and Equity Bill, 1860, for the defeat of which his Lordship justly takes so much credit to himself. But the object of this bill—and of the Report of the Commissioners—is the very opposite of this, and the power of transfer from division to division proposed to be given to the High Court shows, we think, conclusively that no such duality of jurisdiction as his Lordship deprecates, and the Lord Chief Justice seems to desire, is intended to be conferred upon any division of that court.

On the whole, while grateful to his Lordship for valuable arguments in forcible language against the objectionable parts of these bills, we are quite unable to concur in his general hostility to the proposed legislation, save only so far as regards the Land Transfer Bill, as to which we have already expressed an opinion which we have seen no reason whatever to change or modify.

THE LAW OF SIMONY.

Mr. Cross's bill to forbid the sale of next presentations is an honest endeavour to strike at the root of the traffic in appointments to benefices. Its introducer put the matter very neatly when he drew a parallel between presentations to livings and votes for members of Parliament. You may sell the property which qualifies its owner for a vote, and in so doing you sell the right to vote, but you are not to sell the exercise of that right—*i.e.*, the vote itself. In like manner the right to present—that is the advowson or the next presentation—is saleable property, but the law forbids, or rather purports to forbid, the sale of the exercise of the right to present. The simony laws are practically an unavailing protest against what, to everyone's knowledge, is constantly taking place.

Will Mr. Cross's bill put an end to the system? In order to answer this question we will first take a cursory glance at the existing law and the manner in which it is evaded: we shall then be in a position to judge what is to be expected from the measure now before Parliament.

We need not attempt to trace the degrees by which the term "simony" came to possess its present signification; certainly what Blackstone calls the true notion of simony, the purchasing of holy orders or permission to preach, is more akin to the original offence of Simon Magus. One thing is clear, that the canon law has been very much stricter than the statute law in the matter. Ecclesiastical censures, however, not proving sufficient, the 31 Eliz., c. 6, defined the offence of simony, and provided that any simoniacal presentation should be void, and that the Crown might thereupon present to the benfice. Of this statute it was observed by De Grey, C.J., in *Barrett* v. *Glubb*, 2 Bl. Rep. 1052, that it did not follow all the wild notions of the canon law, but simply defined simony as a corrupt agreement to present. In addition to which statute the 12 Anne, c. 12, prohibited clergymen from buying next presentations for themselves.

The result of the law, statutory and judicial, is that a purchase of a next presentation during a vacancy is simony, and a purchase of the advowson under the same circumstances is void, *quoad* the next presentation. It is simony for any person to purchase a next presentation (and *pro tanto* as to the advowson) with an arrangement for procuring a vacancy. It is simony for a clergyman to purchase a next presentation for himself. It was doubted once whether it was simony to buy a next presentation, the incumbent being at the point of death. De Grey, C.J., however, in *Barrett* v. *Glubb* (*sup.*), felt unable to entertain any doubt but that this was not simony. Still, this opinion did not immediately obtain acceptance, and in *Fox* v. *Bishop of Chester*, 2 B. & Cr. 635, the contrary was ruled. That case, however, was overruled in the House of Lords (6 Bing. 20), Best, C.J., observing, in delivering the unanimous opinion of the judges of the Common Pleas:—

"Whilst the law, therefore, permits the next presentation of livings to be sold during the lives of the incumbents, as long as the incumbent is alive the sale is good. *It would be difficult to establish a rule that should settle what degree of probability of the approaching death of an incumbent would prevent the sale of the next avoidance of a benefice, and more difficult to ascertain by evidence when an incumbent was within that rule.*"

The sentence which we have italicised conveys a strong objection to one of the clauses of Mr. Cross's bill.

It is perfectly well understood at large that the simony law is, so far as any practical prohibitory effect is concerned, a dead letter. Preferments are continually in the market, and are daily purchased by laymen expressly in order to present their friends, by clergymen expressly in order to present themselves, and with "immediate possession." In *Sweet* v. *Meredith* (10 W. R. 402, 3 Giff. 610), the owner of the advowson, whose son was the incumbent, sold it to another clergyman who wanted immediate possession; and a bargain was made that the incumbent should pay £5 per cent. interest on the purchase-money until resignation. It was contended in argument that this, as a penalty on non-resignation, was simoniacal, but Vice-Chancellor Stuart held the contrary. In practice, preferments are constantly sold to clergymen, who take covenants for large interest till a vacancy.

There is also, of course, the oath which every clergyman has to take before he is inducted into his new benefice.

Mr. Dart (V. & P. 159) says, the statute—

"Is not found in practice to prevent purchases of entire advowsons by clergymen, with the view to present themselves upon the next vacancies, but the terms of the Act and of the oath against simony generally present greater difficulties to the mind of the conveyancer than to that of the clerical casuist."

Mr. Cross thinks to put an end to the system by stopping the traffic in next presentations, and he thinks to stop the traffic by enacting that a presentation shall be void if obtained (1) by purchase in the name of the presentee or anyone else, (2) by purchase of the advowson with an agreement or arrangement for procuring a vacancy, or (3) by a purchase made when the incumbent is known to be "by sickness in extreme danger of death." Advowsons settled under existing settlements are exempted from the operation of the measure, as also are sales or presentations made *bonâ fide* by mortgagees. Now the prohibition contained in (1) and (2) of the above alternatives simply adds in effect nothing whatever to the terms of the statute of Anne. The prohibition (3) will be practically nugatory, for the reason given by De Grey, C.J., in the case cited above, that in practice it is impossible to apply any such test with success. Of course an extreme case might occur in which there could be no doubt, but vendors and purchasers of preferment must be much clumsier than they now are, if this happened once in a hundred sales of preferment; and that being so, the rare operation of such a clause would produce no abatement of the practice, though it might perhaps beget a little popular sympathy with the party who should be stupid enough to stick between the bars. In fine, no one at all acquainted with the law and practice on this subject can fail to perceive that if Mr. Cross's bill was added to the existing law, it would place scarcely a single impediment in the way of the existing practice.

Having discovered that Mr. Cross's bill will do nothing, we may turn to this question—what is there to be done? It is said that there is an unseemliness (we use the phrase advisedly) in the idea that a clergyman should buy for himself or some one else should buy for him—the duty of serving God as parish priest of the village of Dale and the right of being paid the wage which man has set apart for that service. The thing may seem undesirable, but is it essentially so? Is not the

real evil the possibility that the intending parson of Dale may not be going to do his duty there, may not be even understanding, or in his heart of hearts caring, what that duty really is. Some one must appoint the parson, and it seems to us that the system of lay-patronage is better than any other which we could substitute for it. Then, how is the actual appointment to be made? We cannot help thinking that there need be no scandal about the purchase of a preferment by a clergyman, if we could be sure that he was a fitting man for the preferment. If that can be assumed, and he is willing to take the benefice with its stipend minus the interest of the purchase-money, by all means let him.

We want to be able to think of every parish in England with its clergyman a good man, something, at least, of a scholar, and a gentleman. It is not necessarily a bad thing that the parson should have paid money directly for his position: unless by that means an improper man or an unsuitable man gets into the position. In truth that is where the shoe pinches. If we can ensure that the clergyman inducted to every living shall be the man who will do the work of a clergyman in it well, it will matter very little how he came by the presentation. If this object can, as far as human means may ensure anything of such a nature, be attained by some other method, it would be well to repeal the simony laws *in toto*. A law which inevitably is systematically evaded, stands on record certainly as a protest, but beyond this it is merely demoralising. It will perhaps be said that the bribery laws are a parallel case. That is not so. As to bribery, the prohibition is in itself just, and it is, as we hope and believe the next twenty years may show, *not* impossible to stop the act prohibited; as to purchases of preferment, we are not satisfied either that it is possible or that it is expedient to prevent them. The first is a moral as well as a legal offence; we cannot say the same as to the second.

It is proverbially easier to find fault with someone else's proposal than to propose a remedy of your own. We have, however, an idea upon the subject before us, and it is this: that the ultimate solution of the difficulty will be found in the repeal of the simony laws, providing, at the same time, some censorship and investigation into the efficiency of the presentee, the examining or scrutinising party or body being empowered, if necessary, to veto the presentation. Every proposed incumbent might, for instance, be required to show that he had worked efficiently for a certain number of years as a curate or other clerical labourer. We are aware that it may be found impracticable to invent a machinery for the exercise of such a discretion; but we should like to see some of the clever brains which are now busied on public affairs setting themselves to work to *try* if it cannot be done.

RECENT DECISIONS.

EQUITY.

SALE OF LAND BY AUCTION ACT, 1867.

Gilliatt v. *Gilliatt*, M.R., 18 W. R. 203.

Section 4 of this Act recites that there was at its passing a conflict between the law and equity courts in respect of the validity of sales by auction of land where a puffer had bid, though no right of bidding on behalf of the owner was reserved, the former holding all such sales absolutely illegal, and the latter, under some circumstances, giving effect to them, the rule being unsettled even in equity. The Act then, in order to settle the practice, enacts by section 5 that—

"The particulars or conditions of sale by auction of any land shall state whether such land will be sold without reserve or subject to a reserved price, or whether a right to bid is reserved; if it is stated that such land will be sold without reserve, or to that effect, then it shall not be lawful for the seller to employ any person to bid at such sale, or for the auctioneer to take knowingly any bidding from any such person."

The old rule at law was that the employment of "puffers" invalidated the sale unless previously stipulated for (*Bexwell* v. *Christie*, Cowp. 395). There seems, however, to have been a doubt whether the employment of a single bidder only was illegal. Lord St. Leonards, judging from his earlier editions, seems formerly to have thought that authority was in favour of the practice; in *Thornett* v. *Harries* (15 M. & W. 371), however, a strong decision, though extrajudicial, was given against it, and of late years it was understood that at law no bidding for vendor was permitted, unless stipulated for. The Equity Courts, on the other hand, were in favour of permitting the vendor a certain license in order to prevent his property from going at an undervalue. Thus, in *Bramley* v. *Alt* (3 Ves. 620), where the puffer bid only up to the vendor's reserved price, all higher biddings being *bonâ fide*, the purchaser was decreed to take his purchase. This was followed in a similar case of *Smith* v. *Clarke* (12 Ves. 477). But in *Mortimer* v. *Bell* (14 W. R. 68, L. R. 1 Ch. 10), Lord Cranworth refused to carry this principle to the length of allowing *two* puffers to be employed to bid. Lord St. Leonards (V. & P. 10) considered it "highly desirable that the courts of law should adopt the equitable rule, restricted as it now is." Lord Cranworth, however, with the late Lord Justice Knight-Bruce and Lord Romilly, appear to have approved the common law rule.

Certainly the common law rule affords the honester practice, and the late Act was intended to establish it in equity as well as at law. Unfortunately, however, as too often happens, the language of the Act is not free from vagueness—and thus arose the question in the present case. In *Gilliatt* v. *Gilliatt* the conditions of sale stated that it would be subject to a reserved price, but were silent as to bidding. A puffer was employed who made several bids, the last being the bid immediately preceding the final bidding of the purchaser, who bought at the reserved price. The Master of the Rolls held him to his purchase; and the effect of the decision is, that in order to legalise the employment of a puffer, the conditions must state the reservation of a right to bid, *as well as* the fact of there being a reserved price. Certainly the employment of the word "or" in section 5 was extremely ambiguous; but, having regard to the object of the Act, as evidenced by the whole of its provisions, his Lordship ruled that its requirements were cumulative.

There may be a possible doubt as to the meaning of section 6. That section enacts that—

"Where any sale by auction is declared, either in the particulars or conditions of sale, to be subject to a right for the seller to bid, it shall be lawful for the seller, or any one person on his behalf, to bid at such auction in such manner as he may think proper."

Clearly, a vendor might under the old law have stipulated for liberty to employ more than one puffer, but section 6 contemplates the employment of one only. The case is not very likely to occur, but if conditions of sale should stipulate for leave to the vendor *and* his agents to bid, or by some other phrase make it clear that the plural number was intended, a question might arise as to the legality of the practice. The Act certainly does not *in terms* forbid it, though it is evidently opposed to the general scope of section 6.

MORTGAGE OF A CALL ABOUT TO BE MADE—MORTGAGE OF ALL FUTURE CALLS.

Re Sankey Brook Company, V.C.J., 18 W. R. 427.

The uncalled capital of a company may be said to exist potentially, but has no actual existence unless in the pockets of the shareholders. The power of the directors to make calls is in no sense property. A call when made is a debt due to the company making it, and is thus a part of their property, an equitable asset. This

was the *ratio decidendi* in the leading case of *King* v. *Marshall* (12 W. R. 971), where debentures issued by a company which was incorporated under the Act of 1856, and expressed to be a charge upon all the estate of the company, and all their undertaking, were held not to extend to calls in arrear or capital not called up. In *Ex parte Stanley* (12 W. R. 894), where the directors of a company were empowered to borrow on the security of the funds and property of the company, the Court of appeal decided that upon the true construction of the deed of settlement, the subscribed capital not paid up did not constitute "funds and property of the company" within the meaning of the deed; such a construction being, in the opinion of the Court, inconsistent with the further exercise by the directors of their discretion on the question whether calls ought or ought not to be made.

Future calls, therefore, can not be assigned by way of mortgage, not only because the subject is non-existent, but also because the assignment, if capable of being made, would divest the directors of their discretion as to the making of calls. Arrears of a call may be lawfully assigned. So, too, may the proceeds of a call made but not payable, because a call is due, and is therefore an asset of thecompany from the time when it is made, though a future day for payment may be fixed out of consideration for those who are to pay it, and as limiting a time within which actions for recovery of the calls may not be commenced. *Re Sankey Brook Company* adds this point, that a debt may be lawfully contracted on the security of a particular call to be made forthwith. The undertaking by the directors to make that call was of the essence of this case, and the principle that future calls generally may not be lawfully pledged, appears to us to be in no way impeached by this decision.

Married Woman's Separate Property in Husband's Reputed Ownership.

Ashton v. *Blackshaw*, V.C.M., 18 W. R. 307.

The policy of the Bills of Sale Registration Act (17 & 18 Vict. c. 36) is to render necessary registration in every case where the giver of the bill of sale continues in apparent possession of the goods comprised in the schedule. In *Ashton* v. *Blackshaw* a man, for valuable consideration, assigned his furniture to a third person in trust for his wife. The furniture was not delivered to the trustee, but continued in the joint possession of the husband and wife, or more correctly speaking, in the apparent possession of the husband, until he was adjudicated bankrupt. The assignee in bankruptcy claimed the furniture comprised in the bill of sale, which had never been registered, under the order and disposition clause, and the Court held that, owing to the omission to register the bill of sale, the claim must be sustained. Post-nuptial settlements, it will be remembered, are not within the exception of marriage settlements provided by section 7 of the Act, and require to be registered, where the subject-matter is that to which the Act applies (*Fowler* v. *Foster*, 5 Jur. N. S. 99). The statute does not narrow the application of the doctrine of reputed ownership (*Stansfield* v. *Cubitt*, 6 W. R. 320). The husband was still in apparent possession of the furniture—*i.e.*, there was nothing to show the assignee that the property was not still going along with the possession. If registered, the bill of sale would have been good against the assignee in bankruptcy; but as it was not registered it was void according to the Act.

COMMON LAW.

Executor de son tort—Agent—Probate.

Sykes v. *Sykes*, C.P., 18 W. R. 551.

The meaning of the expression "executor *de son tort*," and the liability to be treated as an executor *de son tort*, were a good deal discussed in this case. The point decided was, that the agent of an executor named in a will cannot be treated as an executor *de son tort* merely because he deals as such agent with the goods of the deceased before the will is proved.

An executor *de son tort* is defined to be, "one who takes upon himself the office of executor by intrusion, not being so constituted by the deceased, nor, for want of such constitution, substituted by the Ecclesiastical Court to administer" (Williams on Executors, 6th ed. vol 1, p. 247 n.). One who thus becomes executor *de son tort* is liable to be sued as if a regularly appointed executor by creditors or legatees of the deceased. He is not, however, if he plead properly, liable beyond the extent of the assets received, but to that extent he is liable. An executor *de son tort* is a wrongdoer. By dealing with goods which do not belong to him he becomes a trespasser, and may be held liable for such trespasses at the suit of the rightful executor who afterwards proves the will. Until the will is proved there is no one who can sue him for such trespass, and he is therefore held liable to creditors and legatees as if he were an executor. When the will is proved or administration granted, and some one not being the executor or administrator) then intermeddles with the goods, this does not (with perhaps the exception of the case where he claims the goods *as executor*) make him an executor *de son tort*, because there is another personal representative of right against whom creditors can bring their actions.

Not only may a stranger who intermeddles without authority with the goods of a testator be treated in some respects as if he was a duly appointed executor, but an executor duly named in a will who deals with a testator's goods before probate may also be treated as if he had obtained probate; that is, he may be sued as executor for the debts of the deceased. In one case (*Webster* v. *Webster*, 10 Ves. 93) it was said that such an executor was an executor *de son tort*. In another case (*Sharland* v. *Mildon*, 5 Hare, 469, 15 L. J. Ch. 434) it was held that the agent of a testator's widow might be sued as an executor *de son tort* after he had, as such agent, intermeddled with the testator's goods; but it does not clearly appear from the reports of that case whether or not the widow was appointed executrix. The point in issue in *Sykes* v. *Sykes* was whether an agent of a rightful executor may be treated before probate as an executor *de son tort* if he deal with the testator's goods. The argument in favour of the affirmative of this proposition was chiefly based on these two cases.

The decision in *Sykes* v. *Sykes* is, that a duly appointed executor who has not proved the will may indeed be sued as executor if he intermeddles with the property of the deceased, because, in the words of M. Smith, J., "he is estopped from denying that he is executor, and I should say that a more proper term to use than executor *de son tort* in that case would be executor by estoppel." Such an executor cannot, however, be an executor *de son tort* in the sense in which that expression is applied to strangers who intermeddle, because an executor is entitled before probate to do almost any act incident to his office. The probate is evidence of his title, but not its source, which is the appointment by the testator. It is clear therefore that executor by estoppel is a far more accurate description in such a case than executor *de son tort*. It follows from this principle that as a duly appointed executor does not become a wrongdoer by intermeddling with the testator's goods, his agent in dealing with the goods cannot be a wrongdoer, and this was the actual point in dispute in *Sykes* v. *Sykes*.

The decision in *Sykes* v. *Sykes* shows that the expression in *Webster* v. *Webster*, that an executor intermeddling before probate is an executor *de son tort*, is not strictly accurate; and further, that if the widow in *Sharland* v. *Mildon* was executrix, that that decision will not be followed. If she was not executrix, *Sykes* v. *Sykes* is quite consistent with *Sharland* v. *Mildon*.

We believe that as a matter of fact it was ascertained that in *Sharland* v. *Mildon* the widow was not the executrix, therefore there is no real conflict between the two decisions.

REVIEWS.

Essays on the Form of the Law. By THOMAS ERSKINE HOLLAND, M.A., Fellow of Exeter College, Oxford, and of Lincoln's-inn, Barrister-at-Law. London: Butterworths.

On the theoretical imperfection of the mode in which statute law in this country is promulgated, it is hardly necessary for us to enlarge. To suggest some radical changes in this respect is the object of Mr. Holland's work. The work is divided into two parts: the first part having reference *to the law generally*, and the second part dealing specially with the *statutes*. The views which the writer advocates are summarised in pp. 4—6. The principal of these are as follows:—That the amendment of the *form* of the law of England is a more pressing necessity than that of the *matter;* that the formal amendment should be conducted independently of material changes; that the end to be aimed at is a code which should contain but one system of law, so that no attempt should be made in a code of the law of England to exhibit incongruous laws which prevail in other portions of the British Empire; that when the code, or (as a step towards it) the digest, is completed, all subsequent legislation should have reference to some specific title of the code or digest.

Before proceeding to consider Mr. Holland's method for the classification of the statutes, we may observe that he adopts Blackstone's and not Austin's notion of a law proper. According to Austin, it is the office of *laws* to enjoin acts or forbearances of *a class*, as opposed to acts determined *specifically*. According to Blackstone, it is the office of laws to oblige *generally* the members of a given community, and not particular persons determined individually.

From the series of *English* statutes Mr. Holland would reject (1) statutes which have no reference to England; (2) statutes which merely keep in motion the machinery of Government; (3) statutes which affect only certain localities or certain individuals in England (pp. 108—110); the two last of these classes being excluded from the "public general" Acts altogether (p. 146). The "public general" Acts should, according to Mr. Holland (p. 147) be split up into four separately numbered series—(1) English; (2) Scotch; (3) Irish; (4) those relating to the Colonies or India. And Mr. Holland says (p. 173) in answer to our remarks last year upon this subject,—"You suggest that, upon my principles, the English statutes should again be broken up into a 'common law' and 'equity' series. But surely, because I wish to subdivide, I am not obliged to subdivide *ad infinitum*. If equity and common law were distinct bodies of law, I would certainly propose to have a body of equitable and common law statutes; but, fortunately, we are not quite in such evil case as this. This objection, if it is seriously urged, is, however, answered by what I say as to digesting the body of statute law as soon as we have ascertained what laws they are which we wish to digest."

We are not sure that Mr. Holland has quite understood us. We did not, of course, mean to imply that one subdivision necessarily implies another; but what we meant was this, that whatever subdivision you propose to adopt, you must show its reasonableness and convenience. Until you have done this, one kind of subdivision stands on the same footing as another. The question then arises, is it, on the whole, convenient or otherwise that the English law should be dealt with separately from the law of Scotland or that of any other portion of the empire? Mr. Holland's answer would be in the affirmative, on the ground that the English legal system is a distinct legal system in itself. But we are not at all disposed to admit that the English system is, *in all respects*, a distinct legal system in itself. On some subjects the law is the same for the whole of the United Kingdom, *e.g.*, treason; trade and commerce (19 & 20 Vict. c. 97); and joint stock companies (25 & 26 Vict. c. 89). And this class of subjects is likely rather to be extended than narrowed by future legislation. For instance, the commissioners appointed to inquire into the law of marriage have recommended a uniform marriage law for the whole of the United Kingdom. According to the present practice, legislative provisions having reference to the whole of the United Kingdom simply appear once in the statute book: whereas, according to Mr. Holland's plan, they would be repeated three times over, and thus, *pro tanto*, aggravate the prolixity of the entire statute book. In deciding, then, upon the proper arrangement of the law, it is of course impossible to lose sight of the *matter* of the law; and, as a corollary, it is impossible to settle the proper *form* which the law should assume, independently of the *material changes* which may have been effected, or may be in prospect. But, assuming that the English and Scottish systems were wholly distinct, we are not prepared to admit that a complete separation of the laws applicable to either country would be desirable. To the student of comparative jurisprudence such a separation would be a distinct loss. But then it is said that the English lawyer would be thereby enabled to disencumber himself of a mass of legislative matter with which he would, in practice, have nothing to do. But to this it may be answered (1) that the convenience of the English lawyer may be met by a proper arrangement of the Statutes under the direction of the Council for Law Reporting. Editions of the Statutes are published every year under the sanction of that council, for the convenience of English lawyers; assuming, therefore, the arrangement suggested by Mr. Holland to be the most convenient for English lawyers, it is for the Council of Law Reporting and not for the Legislature to carry it into effect. Thus, in the reports of the appeal cases before the House of Lords, English and Irish cases are published separately from Scotch and divorce cases, because it is conceived that the division in question is most likely to render the reports useful to the profession. But (2), even as regards English lawyers, questions of Scotch law do sometimes come before the courts in England. In the case, for instance, of *Dutton* v. *Halley*, in the Queen's Bench, reported 2 B. & S. 748, the question was as to the construction of a clause in the Scotch Bankruptcy Act of 1856. It may be said that such cases are exceptions, and therefore no objection to the general scheme proposed. But we think that such an argument, if admitted, would apply in a similar way to the illustrations given by Mr. Holland of the inconveniences of the existing system (pp. 153—158).

What we have said with regard to Scotland applies *à fortiori* to the case of Ireland, seeing that the legal system of Ireland has far more in common with England than has that of Scotland.

We have thought it best to dwell principally upon the point (and a very important one it is) upon which we are at issue with Mr. Holland. It must not, however, be inferred that we do not, in general, concur with the scheme he proposes. It would be necessary to observe great caution in carrying it out. Space forbids us to add more, except to acknowledge the great ability displayed by Mr. Holland in dealing with his subject, and the admirably clear language in which his book is written.

COURTS.

COURTS OF BANKRUPTCY.

LINCOLN'S-INN-FIELDS.

(Before the CHIEF JUDGE.)

May 9.—*Re Wooller.*

Bankruptcy Act, 1869, *ss.* 125 *and* 126 (*cl.* 6)—*Third special meeting of creditors.*

Reed applied that the Court would give directions to the registrar to send notices of the holding of a third special meeting of creditors under the petition filed by the debtor, in order to confirm a resolution which had previously been passed by creditors assembled at a second meeting.

It appeared that at the first meeting of creditors a resolution was passed to accept a composition of five shillings in the pound. At the second meeting, instead of confirming that resolution, the creditors passed an extraordinary resolution to accept seven shillings and sixpence in the pound; and the question arose whether, under the 126th section, the creditors had power to pass an extraordinary resolution instead of confirming the one originally passed. It was contended that clause 6 of that section contemplated the addition to or variance of any resolution previously passed, but that did not appear to be provided for by the 282nd rule, and that all the creditors could do was to confirm the original resolution.

The CHIEF JUDGE was of opinion that the creditors were entitled at the second meeting to pass the extraordinary resolution referred to, and directed the registrar to give notice of another meeting at which to confirm it.

Solicitor, *Jennings.*

May 10.—*Re Rose.*

Solicitor's bill of costs.

The debtor in September, 1869, registered a deed of assignment for the benefit of creditors. It appeared that previously to the registration of the deed, Mr. Woodard, solicitor, had acted professionally for the debtor, but his bill of costs had not been delivered, and the debtor estimated the amount at £20 as security for his claim. Mr. Woodard held several documents and papers belonging to the debtor. The trustees under the deed soon after their appointment called upon Mr. Woodard to deliver his bill of costs in order that they might satisfy the amount of it, and obtain the documents in his possession belonging to the debtor, but Mr. Woodard did not accede to this requisition. Thereupon summonses were issued for the examination of Mr. Woodard, and at the last examination, an order was made by the registrar requiring Mr. Woodard to show cause before him why he should not deliver to the said trustees his said bill of costs, and pay the costs of and occasioned by the several applications therein.

Mr. Woodard now appeared in person to show cause. He contended that the proper course for the trustees to adopt was to take out a summons at judges' chambers, and that this Court had no jurisdiction to compel him to deliver his bill.

Brough, for the trustees.

The CHIEF JUDGE said that the duty of Mr. Woodard as a solicitor of the court was very plain; he was bound to deliver his bill of costs, and he must do so within ten days. The question of costs would be reserved.

Solicitors for the trustees, *Duffield & Bruty*.

(Before the Hon. W. C. SPRING-RICE, Registrar.)

May 17.—*Re Dedman.*

Bankruptcy Act, 1869, *ss.* 17 & 28—*First meeting of creditors —Composition.*

Mr. J. S. Salaman, solicitor for the petitioning creditor and a large majority of the trade creditors, applied, under the 28th section of the Bankruptcy Act, 1869, that the registrar might be directed to summon a special meeting of creditors to consider a proposal made by the bankrupt.

It seemed that the adjudication had been obtained some few days ago on the petition of creditors. The bankrupt had since offered a composition, which the creditors were willing to accept, but, inasmuch as the first meeting of creditors had not yet taken place, a doubt had arisen whether the proposal could be carried out before the appointment of a trustee. In support of the application it was contended that the registrar had power to hold the meeting without any unnecessary delay, and reference was made to section 17, which defined the word "trustee" to mean the trustee for the time being, including the "registrar" acting in the bankruptcy.

The REGISTRAR said it was impossible that anything could be done until after the appointment of a trustee, but, in order that no unnecessary delay should take place, notice might be given that at the meeting a special resolution would be submitted to the creditors. It was requisite, however, that an affidavit should be filed setting forth the grounds of the application, and the circumstances under which it was made.

COUNTY COURTS.

LAMBETH.

(Before R. J. CUST, Esq., Deputy Judge.)

April 12.—*Evans* v. *Proom.*

Lessor and Lessee—Dilapidations—Expiration of Term—Right to sue.

The facts of this case will be gathered from the following judgment:—

Mr. CUST.—This action is brought to recover damages for breach of an agreement, not under seal, dated October 12, 1866, whereby, in consideration of £50, the plaintiff agreed to let to the defendant a house in the parish of St. Mary Newington from the 14th June, 1867, for two years at a peppercorn rent, and the defendant agreed "to repair the premises as often as occasion should require and to yield up the same in good repair at the end or other sooner determination of the said term." The defendant entered into possession and remained until the 14th June, 1869, when the premises were shown to be in a very dilapidated condition. It however, appeared incidentally, on cross-examination of the plaintiff's witnesses, that the premises were not given up to the plaintiff, but, by her consent, to the governors and guardians of the poor of the parish as the freeholders, and it was not denied that the governors were the real plaintiffs. The defendant contended that the plaintiff had ceased to have any interest in the premises, and that she was not liable to the present owners in regard to the non-repairs, and that the plaintiff having suffered no loss could recover no damages.

I think these objections are not an answer to the action. There is no evidence to show that the interest of the plaintiff was not subsisting when the defendant's term expired. The defendant, as lessee, cannot dispute the title of his lessor, and there is no evidence inconsistent with the continuance of the plaintiff's interest subsequent to the expiration of the lease. The defendant never attorned to, or paid rent to anyone but the plaintiff. That he gave possession to the present owners is quite consistent with the existence of an agreement between them and the plaintiff, having reference to some subsequent arrangement. Even if the plaintiff's interest had determined during the defendant's term, that would not have affected the question. Such a determination must have occurred in one of two ways—either by the cessation of the plaintiff's interest *in toto*, as in the case of a limited interest, or by its transfer to another party. *Clow* v. *Brogden* (2 Man. & Gr. 39) decides that the cessation of a lessee's interest by the forfeiture of his term, cannot be pleaded to an action by the lessor for dilapidations, and *Bickford* v. *Parsons*, (9 C. B. 920), which was relied on for the plaintiff, shows that where the lease is not under seal, and consequently the right to sue does not pass to the assignee under the statute 3 Hen. 8, c. 34, that right remains in the lessor and may be exercised for his own benefit. It is immaterial to the defendant who reaps the benefit of the agreement provided he is liable only to one person. He is not concerned to inquire into the title of his lessor, nor is he damnified if at the end of the tenancy he is directed by his lessor to give up possession to a stranger. The suggestion that the action is brought for the benefit of the present owners, although not in their names, is not material to the issue. The only question on this part of the case is whether the defendant is liable to the present plaintiff. I am of opinion that he is.

The remaining question is the amount of damages. There was no evidence as to the condition of the premises at the commencement of the defendant's term, but it must be presumed that they were tenantable from the fact of his entering into the agreement to keep and yield them up in repair, and even if it could be shown that this was not the case, the defendant would not be relieved from his liability; for, as Baron Parke observed in *Payne* v. *Haine* (16 M. & W. 545), "the lessee could not keep and yield them up in good repair without first putting them into it." The amount claimed by the plaintiff is shown to be a fair estimate, and there will be judgment for the plaintiff for that amount.

Counsel for the plaintiff, *Hance*; for the defendant, *Castle*.
Attorneys for the plaintiff, *F. & E. Chester*.
Attorneys for the defendant, *W. F. Wallis*.

LAMBETH.

(Before J. PITT TAYLOR, Esq., Judge.)

May 17.—*Dover* v. *Reed.*

A novel point of county court practice was raised in this case. The action was in *replevin*, and it appeared that the defendant had seized the goods of the plaintiff for rent, and the plaintiff, with two other persons, registered a bond at the county court as security that he should bring his action against the defendant within a month, and prosecute such action with "diligence and effect." The action was duly brought; but on the day of hearing the plaintiff's solicitor appeared and said, his client and witnesses not having arrived, he could not get on. After standing over some time for the appearance of the plaintiff, who did not arrive, the cause was struck out, and the defendant was allowed his costs.

Mr. Ody applied to have the cause restored, or to have a rule *nisi* calling upon the defendant to show cause why it should not be restored, and a day fixed for hearing.

Mr. PITT TAYLOR pointed out that a new summons might issue.

Mr. Ody said that would not meet the case. The plaintiff, with his co-bondmen, had forfeited £30, the amount of the bond, if the original summons could not be heard;

because the month allowed for bringing the action had expired, and, in fact, the defendant had already commenced an action on the bond in one of the superior courts.

Mr. PITT TAYLOR said, as far as he could learn, the point was without precedent, and he must decline to give an opinion off-hand. He, however, granted a rule *nisi* calling on the other side to show cause why a day should not be fixed for hearing the original summons, and thus save the plaintiff from having to issue a new summons, as well as save him and his co-bondmen from liability under the bond. If the plaintiff had a good case it was rather hard that he should be mulcted in £30 through having mistaken the day of hearing. It was quite clear he would be so mulcted if the case could not be restored.

The 31st of May was then fixed for arguing the rule.

APPOINTMENTS.

MR. JAMES EDWARD DAVIS, barrister-at-law, and stipendiary magistrate of the Potteries district, has been appointed first Stipendiary Magistrate of Sheffield, the salary of which office has been fixed by the Town Council of that borough at £1,000 per annum. Mr. Davis was called to the bar at the Middle Temple in November, 1842, shortly after which he joined the Oxford Circuit, attending also the Shropshire and Staffordshire Sessions. During this period he often acted as Deputy Judge of the Warwickshire County Court. He is the author of a very good work on County Court Practice, and had been stipendiary magistrate of the Potteries district since June, 1864.

MR. THOMAS LAXTON, solicitor, of Stamford, Lincolnshire, has been appointed Clerk to the Stamford Board of Guardians, in succession to the late Mr. Alderman Clapton.

MR. JAMES F. NOLAN has been appointed by the Colonial Government to the office of Judge of the County Court, Melbourne. Mr. Nolan was called to the Irish Bar in Easter Term, 1855, and shortly after commenced practice at the Melbourne Bar.

MR. CHARLES SANDERSON, solicitor, has been appointed Registrar of the Archdeaconry of Calcutta, from April 16, in succession to Mr. H. R. Delves Broughton, barrister-at-law, who resigned on being appointed Administrator-General of Bengal. Mr. Sanderson was admitted at Westminster in Hilary Term, 1851, and is a member of the firm of Berners, Sanderson & Upton, solicitors, Calcutta.

MR. WILLIAM JOHN SLADE FOSTER, solicitor, of Wells, Somersetshire, and Town Clerk of that borough, has been appointed Registrar of the Wells County Court, in the place of Mr. Edwin Lovell, resigned.

GENERAL CORRESPONDENCE.

A GRIEVANCE.

Sir,—When lawyers in either branch of the profession think it consistent with their dignity and duty to write to the public papers respecting cases in which they have been concerned, they ought, at least, to take care that they do not allow their private feelings to distort or colour, even unconsciously, their account of the facts of which they think it right to complain. My attention has been called to the following paragraph, which appeared in the *Pall Mall Gazette* a few days ago:—

"One of the points which Chief Justice Cockburn emphasises in his letter to the Lord Chancellor on law reform is that some limit should be put upon the right of appeal to a series of courts and especially to the House of Lords. The unanimity of the judges in the court below ought, he thinks, to be a bar to carrying the suit to the supreme tribunal. The necessity for some rule of this kind is strongly illustrated in a case which 'A Barrister' describes in a letter to the *Times*. Three years ago he was counsel for the plaintiff in an action for false imprisonment brought by a poor man against a rich man, a magistrate and a barrister. The plaintiff had a verdict for £100. The defendant moved for a new trial; rule refused. He appealed to the Exchequer Chamber; judgment for the plaintiff. The defendant then took the case to the House of Lords, when the decisions of the Exchequer Chamber, the Court of Exchequer, and the Lord Chief Baron, who tried the cause, were overruled by the Lord Chancellor, two ex-Chancellors, and a Scotch judge. The costs were enormous."

I have referred to the letter in question and find that it is fairly represented by the *Pall Mall Gazette*. Now, the obvious inference from the notice, which is made even stronger by the terms of the letter itself, is that the unanimous opinion of the Exchequer Chamber, the Court of Exchequer, and the Lord Chief Baron (*i.e.*, practically of the whole Common Law Bench) was overruled by three equity lawyers and a Scotch judge. If this be not meant the letter is mere peevish complaint, and the writer in the *Pall Mall Gazette* has been betrayed into an absurdity, for as Lord Chief Justice Cockburn's observation only applies to a case where the Court below was unanimous, the case in question is not in point if that Court was divided in opinion.

Now the case referred to by "A Barrister" (I purposely refrain from giving his name) is quite obviously *Perryman the Younger* v. *Lister*, and your readers will perhaps be astonished to learn that the Court of Exchequer was *equally divided* on the point, Bramwell and Pigott, BB., being for the defendant (who ultimately succeeded in the Lords) and Kelly, C.B., supporting *his own ruling* at Nisi Prius, with the assistance of Channell, B. The Court of Exchequer Chamber pronounced a unanimous judgment, but it was known to be the result of a compromise, and that in fact, on the point ultimately decided (which the Exchequer Chamber refused to decide), the judges present were as two to three. Further, "A Barrister" must have known that when an application to extend the time for giving notice of appeal to the Lords was made in chambers, Willes, J., expressed his willingness to do anything in his power to enable the defendant to get rid of "so monstrous a decision." Lastly, why was it not disclosed that one of the law lords (who were unanimous in favour of the appellant) was Lord Chelmsford, who cannot be supposed to be a mere equity lawyer? Had the *whole* truth been told it would have appeared that the unanimous decision of Lords Hatherley, Chelmsford, Westbury and Colonsay was in accordance with the views expressed by Willes, Byles, and (I believe) Lush, JJ., and Bramwell and Pigott, BB., in opposition to those of Kelly, C.B., Channell, B., and Blackburn, Keating, and M. Smith, JJ. That being so, I think no one will be likely to believe that "A Barrister's" client has any real reason to complain of the result of his action.

A. E. MILLER.

REPAIRING FENCES.

Sir,—Can any of your readers refer me to a case bearing on the following:—

A. occupies a piece of land, the property of C., as a garden, separated from a highway by a small field belonging to and occupied by B.; the hedges next the highway and also next A.'s garden belong to B. Owing to these hedges being out of repair cattle stray off the highway over B.'s land on to A.'s garden in the night, and are removed before A. is aware of the damage. Can A. recover against B. for the damage?

T. B.

ANIMALS.

Will any reader be so kind as to refer me to any cases upon the question of the lawfulness or unlawfulness of A. killing an animal the property of B.—for instance, a cat, the cat at the time being found destroying the fowls of A.?

G. A. J.

BANKRUPTCY ACT, 1861—JUDGMENT CREDITOR—COSTS.

I shall be obliged by an answer to the following from one of your correspondents:—

Can a judgment creditor include in his claim against the estate of his debtor, the costs of an execution rendered abortive by the debtor having executed an assignment under the Bankruptcy Act of 1861, which was registered whilst the sheriff was in possession? The deed was executed after service of the writ, but before judgment signed.

On interpleader the sheriff was ordered to withdraw, the deed having been registered.

A COUNTRY SUBSCRIBER.

TITLE TO PROPERTY HELD FOR RELIGIOUS OR EDUCATIONAL PURPOSES.

Sir,—Will one of your readers kindly give me his opinion on the following:—

By 13 & 14 Vict. c. 28, property conveyed for religious or educational purposes is to vest in successors, without con-

veyance, by the adoption of the memorandum of the choice and appointment of new trustees mentioned in the schedule. The Act directs the appointment of new trustees to be made to appear by deed.

Ought the memorandum to bear a 35s. deed stamp, or would the statute be satisfied by the memorandum being written on plain paper under the hand and seal of the chairman?

And is enrolment necessary?

A COUNTRY SUBSCRIBER.

Sir,—May I, at the risk of again exposing my ignorance of the value of time, reply briefly to "A Solicitor's" last letter? I regret that he should look upon my "very simple remedy" as being worse than the disease. At the same time he must be aware that it is one which not a few of his professional brethren have adopted and have found to be attended with most beneficial results. His antipathy to compulsory dinners I can understand, but confess my inability to follow him when he argues that because, during the term of probation he would not be permitted to practise as an attorney, he must necessarily waste the three years in "disgraceful sloth."

That, however, is not the issue here. My excuse for trespassing on your space is that "A Solicitor" has failed, in my opinion, to see the real point of *Scott* v. *Stansfeld*, which he is good enough to admit "must be held to be the law until revised." The principle which underlies the decision of the judges in that case and which was explicitly recognised in their language, is neither novel nor "contrary to the spirit of the English law." The mischievous consequences that would inevitably result if a judge of a court of record were liable in damages for language used by him *in respect of matters judicially before him* and in discharge of his functions as judge, are so palpably obvious that it is difficult to conceive how the court, looking above all thing to the maintenance of judicial independence, could have held otherwise than they did. If "A Solicitor" will refer to the case again, I think he will admit that it does "apply to attorneys having the conduct of a cause" just as much as to the parties themselves. But, as Baron Channell took occasion to observe at the time, it does not follow that a county court judge can so misconduct himself with impunity. The remedy lies, not in an action for slander, but in an appeal to the Lord Chancellor, who has the power to remove from his office a judge by whom that office is abused.

When it is found that such an appeal is made in vain, the interference of the Legislature may be necessary.

A BARRISTER.

PARLIAMENT AND LEGISLATION.

HOUSE OF LORDS.

May 13.—*Hawkers and Pedlars.*—The Earl of Airlie asked if the Government would introduce a measure for the better regulation of the trade of travelling hawkers and pedlars. There was a strong *primâ facie* case against a tax which pressed with great severity on a class mostly poor, and whose customers also were mostly poor. A licence was no guarantee for the respectability of its holder; indeed, the present system tended rather to hinder the operations of the police, for an apparently suspicious character had only to produce a licence, and the policeman could say nothing more to him. There was urgent necessity for some supervision over this class. A system of registration would much more effectually check existing evils, and would possibly in time introduce a much more respectable class of men.—The Earl of Morley said the Government were fully sensible of the necessity, in the event of the Chancellor of the Exchequer's proposal being carried out, of introducing new regulations, and a bill would, in all probability, be brought in this session.

The *Ecclesiastical Patronage Transfer Bill* was read a third time and passed.

May 16.—The *Compulsory Education Bill*, by Lord Stratheden, was read a first time.

The Ritual Commission Report.—In reply to Earl Russell, Earl Granville said this report would soon be ready.

Churchwardens' Liabilities.—A bill by the Marquis of Salisbury to relieve churchwardens of their liability for certain charges formerly defrayed out of church-rates, was read a first time.

May 17.—The *Sequestration Bill.*—The Bishop of Winchester moved the second reading. Benefices were endowments charged with important spiritual duties, and the endowments were not the private property of the incumbent, but a trust held upon the continual discharge of those duties. It was not right that a temporary holder, if through his own carelessness he became unable to discharge them, should be able to divert the endowment from the parish, and thus prevent the appointment of a worthier successor. That a clergyman should be able to run in debt, giving his creditors the security of the endowment which belonged to the parish, was so utterly wrong in theory that it demanded an immediate and stringent remedy. The bill proposed that any clergyman who should become bankrupt, and be unable to obtain a certificate from the Bankruptcy Court, should, at the discretion of the bishop or archbishop, forfeit his benefice. And it was proposed, as had been done in all bills of this kind, to give discretionary power as to the time and mode of enforcing such deprivation to the bishop, with an appeal to the archbishop of the province; for there might be cases of unforseen misfortune, in which the incumbent ought to have time to recover himself. The Marquis of Harrowby had brought in another bill on the same subject, which, it seemed to him, would actually increase the evil of sequestrations, and not one of its chief provisions would be workable. It provided that a clergyman who should not within a certain time pay his debts should be deemed to have committed an act of bankruptcy, whereas his bill proposed to go through the stages of a debtor summons and petition in bankruptcy, thus giving the clergyman and his friends an opportunity of meeting the emergency. Lord Harrowby's bill provided that the bishop should ascertain the whole amount of the debt of the sequestered clergyman, throwing on him the responsibility of finding the right amount, a task which ought not to be thrown on a bishop. Then he was to apply to Queen Anne's Bounty for a sum sufficient to pay off the whole amount, and the life of the incumbent was to be insured for the sum so borrowed, in order that it might be repaid at his death. Queen Anne's Bounty would not grant money on such a security for many of the lives would not be insurable at all. The bishop would first have to create an insurance company which would take the life. And if the clergyman committed suicide, the policy might be forfeited. Again, another clause provided for the payment of arrears on the policy, whereas, if the payments were allowed to fall into arrear, the policy would lapse. This was an illustration of the accuracy pervading Lord Harrowby's bill. It proposed again, that the bishop should consider all the claims, and settle the order and proportion of payment, matters quite alien to the education of a bishop, and for which no bishop would willingly become responsible, since he would have no hope of doing justice in the case. After all this cumbrous machinery, moreover, no benefit was secured to the parishioners, for the living was still liable to sequestration for the purpose of meeting the claims of creditors, insurance charges, and so on.—Lord Cairns said all would agree as to the great misfortune which befell any parish where the incumbent fell into pecuniary difficulties, and where, above all under the process of sequestration, its spiritual duties were very imperfectly performed. The title of the bill was misleading; its title was "An Act to avoid sequestration, and to provide a more effectual remedy for securing the payment of the debts of beneficed clerks," and the same object was expressed in the preamble, yet the bill not only made no new provision for securing payment, but abolished the only means by which, in nine cases out of ten, payment could be secured. Its principle was that for the future a freehold benefice was to be absolutely forfeited, subject to the discretion of the bishop, if the holder, from misfortune or any other cause, fell into bankruptcy. Even if that were the best possible rule for the future, Parliament could not apply it to existing holders. They entered on their benefices under certain conditions, and it would be hard if they were made liable to forfeiture by a process at present unknown to the law. Was Parliament prepared to say that, for the future, if the holder of any freehold office to which the performance of certain duties is attached became bankrupt, the office should be forfeited? If the principle was right it could not be confined to clergymen, but must be applied to freehold offices. It had been said the endowment was not the property of the holder, but of the parish, but it was the services of the incumbent which belonged to the parish, and provided they were rendered in a proper way the expenditure of his income was his own affair, and

not that of the parish. The right of the parishioners could not go beyond the right to the proper performance of the duties. The bill left to the discretion of the bishop, subject to appeal to the archbishop, the question whether the benefice should be forfeited or not, in the event of bankruptcy. Was the bishop or the archbishop to sit as a kind of bankruptcy judge to consider the circumstances which had led the bankrupt clergyman into embarrassment, and to pass an opinion on his conduct? Would Parliament place such power even in such good hands? If, too, the bishop decided that the benefice was not to be forfeited, what was to be done with the creditors? Was the clergyman to retain his benefice without paying them? The bill made no provision for the creditors in case the living was not forfeited. It proceeded on the principle that unless the bankrupt obtained his discharge the benefice was to be forfeited, but it was well-known that a common condition of discharge was for a certain portion of the income or salary to be dedicated to the purpose of paying the debts. The bankruptcy judge, therefore, would have power to discharge the bankrupt on such a condition, and the fact of discharge would entitle the bankrupt to retain possession of his benefice, yet, as at present with sequestrations, a portion of the income would be diverted to the payment of his creditors. The bill was passed as a merciful one to the clergy, because money-lenders and others were now induced to lend them money, knowing that when the pinch came they could obtain a sequestration, and it was said that if the clergy were not to be trusted in this way their condition would be much better. The consequence would be persons would be quite as willing to lend money as now, but the risk would be greater, and the terms therefore harder. The defect of the existing law was that the bishop, in the event of sequestration and failure of the clergyman to perform his duties, was not allowed to reserve a sufficient portion of the income to meet the wants of the parish. Any bill in that direction would be accepted by Parliament, and would remedy the evil so far as it admitted of remedy, for it could not be remedied entirely.—The Archbishop of York said the real question was this:—The law at present regarded a benefice in the light of a freehold possession, and the House was asked to treat it in future as a trust, and to take care, first of all, that its duties were duly discharged. Lord Cairns said it ought not to be applied to existing incumbents. It would not be fair to apply it to existing debts, but why should it not be applied to all debts contracted thereafter? Lord Cairns contended that if the duties of a freehold office were discharged that was enough, but there was a great difference between the position of a clergyman in difficulties and that of the holders of other offices. An officer in the army could not place himself in the position at present open to clergymen. He would lose his commission by committing acts such as those by which too frequently a clergyman loses the confidence of his parishioners. Consuls and persons in other public offices were also unable to charge their incomes with the payment of their debts. True, those were not freehold offices. There was that distinction, but in point of principle, if such persons sometimes lost their offices for these acts, why should a clergyman who could no longer be of the slightest use to his parishioners be treated differently? Lord Cairns said the proper remedy was to provide a sufficient allowance for the performance of the duties. It would be all very well if a sufficient allowance for the appointment of another clergyman could be obtained, the former incumbent going into retirement with a portion of the income, but in nine cases out ten the benefices were too small. He hoped their lordships would affirm the principle of the bill. He understood that there would be no objection to referring it to a select committee.—The Earl of Harrowby did not pretend that his bill was entirely satisfactory, but he hoped their lordships would refer it likewise to a select committee.—The Duke of Cleveland held that an amendment of the law was urgently called for.—Lord Westbury said that since the Irish Church Bill he had seen none which was a greater violation of the rights of property. With one fell swoop it would take away their property, not only from the clergy, but from their creditors, and would place it at the disposal of the bishop or archbishop. Such a scheme it was hardly possible for any reasonable being to entertain. The principles enunciated in the speech of the Bishop of Winchester were founded on reason and justice, and if the bill went to a select committee, on which he, for one, should be happy to serve, its efforts would be directed to bringing the bill into harmony with those principles. The law had provided the clergyman with that income to the intent that he might fully discharge its clerical and parochial duties, and if he was unable to do so, reason and justice demanded that his superior, the bishop, should be able to take so much of the income as was required for those duties. No doubt, in many cases the whole income might be inadequate to that purpose, but to the extent of that principle he should be most willing to go, and the present law undoubtedly fell far short of its duty in the administration of that principle.—The Marquis of Salisbury supported the bill on the ground that the income enjoyed by the clergyman belonged really to the parishioner.—The Bishop of Gloucester and Bristol recognised several defects in the bill, but it was with the greatest satisfaction that he saw the principle ennunciated that livings were held in trust.—The Lord Chancellor enumerated many instances which had come before him personally during office, in which parishes had been for many years in the greatest disorder, owing to the incumbent being absent from his duties in consequence of his debts. Was it to be supposed that a clergyman could teach to his parishioners the cardinal principle of doing as they would be done by, if he exhibited in his own person an example of spending carelessly the money of other people by taking goods from his parishioners which he had no means of paying for, and if he thus neglected the obvious duties which all owed one to another. He then took objections to the machinery of the Earl of Harrowby's bill, and expressed a hope that the other bill would be sent to a select committee.—The Earl of Harrowby did not press his bill, and the Bishop of Winchester's bill was then read a second time and ordered to be referred to a select committee.

May 19.—The *Ecclesiastical Titles Bill* was read a first time.

The *Marriage With a Deceased Wife's Sister Bill*.—Lord Houghton moved the second reading.—The Duke of Marlborough supported the bill.—Lord Lansdowne did so on social grounds.—The Bishop of Ely opposed it on Scriptural grounds: it would only produce discomfort.—Lord Kimberley combatted the arguments used against the bill.—The Bishop of Ripon supported the bill; the Word of God not having forbidden the marriage, but tacitly permitting it.—The Bishop of Lincoln contended that Scripture forbade it.—Lord Westbury urged that the present law, as grounded in a misapprehension or delusion, should be expunged from the statute-book.—The Bishop of Peterborough censured Lord Westbury's levity, and regarded the bill as fraught with social evils.—Lord Lifford regarded the existing law as founded in an inconsistent and unfortunate legislation.—The Duke of Argyll opposed the bill, and was not convinced that the public generally supported it.—The Earl of Harrowby condemned it as opposed to the whole voice of Christendom.—The Lord Chancellor earnestly opposed the bill as wrong and as in conflict with the spirit of the nation.—Earl Granville supported it as wise, expedient, and just. On a division the bill was rejected by a majority of 76 to 74.

HOUSE OF COMMONS.

May. 13.—*Habitual Criminals Act*.—Mr. Rowland Smith asked the Secretary of State for the Home Department whether, in the Habitual Criminals Act of 1869, clause 16, the date 1861 was not inserted in error for 1866, and whether this error had not rendered the clause inoperative; and, if so, whether he would this session amend it.—Mr. Knatchbull-Hugessen said that owing to the haste with which the Habitual Criminals Act was passed, many errors of omission and commission were allowed to pass in the bill. The Home Secretary, however, intended to introduce a bill during the present session to remedy these inaccuracies.

Police Regulation of Vagrants.—Dr. Brewer called attention to the unsatisfactory working of the regulations in force to secure the humane intentions of the Legislature in behalf of the homeless poor, consequent on the practically indiscriminate distribution of relief given to the whole class of applicants, criminal or not criminal, impostors or genuine poor, and moved that vagrants applying for shelter and food be put under the protection, regulation, and management of police. Reviewing the history of this subject, he said there was nothing new in the proposal to place this vagrant class under the supervision and regulation of the police, for that

was the original and primal basis of the poor law institutions of the country. He then went into the statistics. Steps should be taken to separate the accidentally poor from the professional vagrant. The utter absence of all control, of all attempts at reclamation, and of all efforts to get at the children of these unhappy men and women, constituted a danger which local agency could not cope with. He moved:—"That vagrants applying for shelter and food shall be put under the protection, regulation, and management of the police."—Mr. Bromley-Davenport seconded the motion.—Mr. Corrance said the only remedy was strict supervision.—Mr. W. H. Smith recommended that vagrants be set to work as in the French *Depots de mendicité*.—Mr. Whalley said the Poor Law Board should forbid the guardians spending the rates on this class, and every man who could not give an account of himself should be locked up.—Mr. Walter feared such a sweeping plan would inflict hardship on the innocent, and urged the Poor Law Board to invent a plan for discriminating in the giving of relief.—Mr. Goschen said the Home Office and the Poor Law Board had seriously considered this matter, but they could do little to suppress vagrancy unless the public assisted them by refraining from giving indiscriminate alms. He suggested that the definition of "rogue and vagabond" should be extended, and that the guardians should have the power of detaining and putting to work habitual "casuals." This he preferred to transferring them to the police, which would be enormously expensive, and would not secure as much discrimination as the present system of relief, because the policeman, as a rule, was a much easier person to deal with than the relieving officer.—Sir M. Beach advocated uniformity of treatment, relief to be given to all who really needed it, a certain amount of work to be exacted for it, and putting the vagrants under the police. The magistrates ought to carry out the law more stringently. —The motion was withdrawn.

May 16.—The *Irish Land Bill*.—Committee. Part III. (Purchase by tenants; advances for that purpose.) Clause 39.—The Commissioners of Public Works were inserted as "the board" referred to.—In reply to Mr. Sclater-Booth, Mr. Gladstone said the amount to be applied to these advances for purchases by tenants must be left to Parliament to determine. There was so much that was experimental in those provisions that it would be desirable at first to provide a moderate sum to meet any early demand that might arise, after which the matter could again be brought before Parliament, with improved means of forming a judgment upon it.—Clause 40 (Advances to landlords for improvements) was agreed to, an amendment by Mr. F. Heygate, to authorise advances for improvements to be made to tenants as well as to landlords, having been negatived.—Clause 41 (Advances to tenants desirous of purchasing). Mr. C. Fortescue moved to add after "the board" "if they are satisfied of the security."—Mr. Corrance criticised the scheme and its policy. The security would not be good to the State when it might to the ordinary lender; because the State, as a landlord, would not, from motives of policy, be able to deal with recalcitrant tenants. The scheme might be very well for Irish landlords who looked to it as a mode of spoiling the Egyptians; but applying to it the vulgar rules of pounds, shillings and pence, he could only regard it as a scheme vicious in principle, probably corrupt in practice, and certainly mischievous in its results.—Mr. Whalley entirely concurred.—The amendment was agreed to.—Mr. Sclater-Booth proposed to limit the advance to one moiety of the price of the holding instead of three-fourths as in the bill.—Mr. Pease believed that very few tenants would be ready to purchase.—Mr. Gregory was for the scale as it stood in the bill, because to render the clause operative it must be made as easy as possible.—Sir H. Bruce was for the amendment. —Mr. J. Howard did not believe that the scheme was necessary for the pacification of Ireland. The previous portions of the bill were based on the principle of giving security of tenure, and, when that was obtained, the passion for the possession of land would die out.—Mr. Maguire did not believe that the operation of the bill would destroy in the Irish people the natural wish for that complete security of tenure which was afforded by the possession of the fee simple of their holdings.—Mr. O'Reilly believed that an advance of three-fourths of the price of a holding would leave an abundant margin for security, and that many tenants would be in a position to provide the remaining one-fourth.—Mr. Downing suggested two-thirds.—Mr. Sclater-Booth's amendment was then withdrawn, and the clause was amended by making the limit of the advance two-thirds of the purchase-money, and the annuity extend to thirty-five years at £5 per cent., instead of twenty-two years at £6 10s. —Sir G. Jenkinson then, in the interest of Scotch and Irish ratepayers, moved the rejection of the clause as amended.—Colonel Cubitt opposed the clause. Such holdings meant small produce, the idea of a peasant proprietary was pleasant but he ridiculed it in practice.—Mr. Gladstone said the scheme if worth anything was in the interest of the British taxpayers, as designed to supply security and confidence for Ireland. The House would hold in its hands the power of saying how far the experiment should be carried out, and the only thing now asked of Parliament was that the thing should be tried.—Mr. Hardy said it was not wise to endorse by the sanction of Parliament the principle that the ownership of land was a better thing than the occupation. He protested against the clause as socialistic and communistic, and the commencement of legislation which would create an evil at present without existence, and which posterity would regret when it found Ireland still unpacified and the distress and agitation among her people increased.—Mr. C. Fortescue supported the clause.—Mr. Pollard-Urquhart said the experiment had, through the instrumentality of the Credit Foncier of France and similar companies, been tried, and with the happiest results.—Lord Elcho remarked that in other cases the State had been in the habit of lending money to landlords to drain their estates. But if the Government found a tenant did not pay and ejected him, what would be the result? No one would dare to take the land, and it would be left tenantless upon the hands of the Government. Having granted this privilege to Ireland, how could a similar demand in the case of England and Scotland be refused? —Colonel Barttelot said the system of small proprietors had not proved successful in France. The properties in that country were mortgaged to the chimney-tops. This provision would prove a curse instead of a blessing.—Mr. J. Howard said it was not the duty of the State to interfere either in the aggregation of large estates or in their disintegration.—Mr. G. Gregory said the result of the clause would be nothing else but the actual sacrifice of a large sum of money.—Mr. Sinclair Aytoun opposed this waste of the public money.—Mr. Corrance said that by this experiment they were about to violate all the great principles by which a state should be governed.—Mr. Whalley condemned this part of the measure as holding out a direct premium to conspiracy, murder, and outrage in Ireland.—On a division the clause was carried by a majority of 114 to 27.—The remaining clauses 42—68 were agreed to with slight and verbal amendments.—The new clauses were then taken.—Mr. Chichester Fortescue carried the following new clause, to be inserted after clause 1:—"If, in the case of any holding not situate within the province of Ulster, it shall appear that a usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall, in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act. Where the landlord has purchased, or shall hereafter purchase, from the tenant the benefit of such usage as aforesaid to which his holding is subject, such holding shall thenceforth cease to be subject to such usage. A tenant of any holding subject to such usage as aforesaid, and who claims the benefit of the same, shall not be entitled to claim compensation under any other section of this Act; but a tenant of a holding not claiming the benefit of such usage shall not be barred from making a claim for compensation with the consent of the Court under any of the other sections of this Act, and where such last-mentioned claim has been made and allowed, such holding shall not be again subject to such usage as aforesaid."—Mr. Chichester Fortescue also proposed a clause to go after clause 3, providing that where a tenant has received permission to obtain satisfaction from an incoming tenant he shall not be entitled to compensation under section 3.—The clause was negatived.—A clause proposed by Mr. Kavanagh to deprive yearly tenants assigning their interests without the consent of landlords of the right to transmit a claim for compensation, was, on a division, negatived by a majority of 192 to 120.—A clause by Mr. Bagwell conferring on every tenant the right to a lease for twenty-one years, renewable for ever, was negatived.—Progress was then reported.

The Attorney-General nominated the select committee on

the Public Prosecutors Bill:—The Attorney-General, Mr. Hardy, Mr. Vernon Harcourt, Mr. Russell Gurney, Mr. Bonham-Carter, Mr. Walpole, Mr. Hibbert, Dr. Ball, Mr. Downing, Mr. Gordon, Mr. Rathbone, Mr. Scourfield, Mr. West, Mr. Staveley Hill, and Mr. Eykyn.

May 17.—The *Municipal Corporation Bill.*—Mr. C. Buxton moved the second reading of this, the first of three bills for the reorganisation of the government of the metropolis. The present measure would establish a federation of municipal bodies by creating a municipality in each of the Parliamentary boroughs to deal with local affairs, with a central body over all to transact the general business of the metropolis. He was willing to refer the bills to a select committee if they were read a second time.—Mr. C. Bentinck opposed the bill. It did not establish an efficient central authority. He preferred the scheme of the committee of 1867, which proposed to make the Metropolitan Board of Works the governing body.—Mr. Morrison supported the bill.—Lord J. Manners thought that only the Government could deal with this question, and that only if it secured the co-operation of the existing local bodies. As a rule, his official experience led him to be satisfied generally with the manner in which they did their work.—Mr. J. Locke was in favour of extending the jurisdiction of the City Corporation all over the whole metropolitan area.—Mr. W. H. Smith inclined to this particular solution of the difficulty, but agreed that it should be left to the Government.—Mr. Bruce admitted that only the Government could successfully legislate on this matter. and supported the suggestion to refer the bills to a select committee, not with any expectation of completing the inquiry this session, but in the hope that it would assist the Government to frame a bill.—Mr. R. Gurney, on the part of the Corporation of London, offered their co-operation in a general inquiry.—Sir W. Tite gave a similar assent on behalf of the Metropolitan Board of Works.—Mr. Alderman Lawrence and Colonel Sykes praised the Corporation.—Mr. Samuda thought it not worth while to give a second reading to a bill which nobody seemed to approve.—Sir G. Grey opposed this bill.—Mr. Muntz supported it.—On a division the second reading was carried by a majority of 130 to 66. It was then ordered to be referred to a select committee, but a dispute arising as to the powers of this committee, the two other bills were adjourned until Monday.

The *Married Women's Property Bill* (No. 1).—Mr. Russell Gurney moved the second reading. As regarded her property, the entry into the state of matrimony had much the same effect on a woman as a conviction for felony. This law had existed for a long time, but it was the result rather of accident than of design. After enlarging on the evil he said the remedy proposed by the bill was to repeal the law under which the wife forfeited her property by the act of marriage, and to enact that she should be allowed to retain control over it, independently of her husband. It had been objected that the creditors of the husband would always be uncertain whether the property which they sought to seize belonged to the husband or to his wife, but that difficulty frequently occurred under the law of marriage settlements. In the next place, it was objected that the bill would introduce discord into families and would depose the husband from his headship. Had such a result followed upon the system of marriage settlements, and, if not, was it more likely to occur in the cases which would be affected by the bill? The principle of the bill had been adopted in America with most advantageous results, and it had also been incorporated in the code of Indian law.—Mr. Raikes agreed as to the hardships of the existing law, but feared that bill No. 1 would lead to others far worse. He trusted, however, that both bill No. 1 and his own bill (No. 2) would be read a second time, in order that they might be referred to a select committee. His principal objection was that it aimed at establishing the novel principle of an equality between the sexes. It would disturb the peace of every family, and diminish for ever that identity of interests at present existing between husband and wife which had hitherto been regarded as the basis of the Christian family, and a proper ornament to society. Also it created an inequality between husband and wife; it retained to the wife the sole use of her property, and yet still obliged the husband to support the family.—Mr. Jessel said bill No. 2 proposed to transfer to a trustee all the property of a married woman except such as was transferable by mere delivery. The poor woman had no other property but what was transferable by delivery, consisting of clothes and perhaps a small sum of money; and this, the property most urgently needing protection, would be excepted from the operation of the Act.—The bill was read a second time.

The *Married Women's Property Bill* (No. 2).—Mr. Raikes having moved the second reading, Mr. Jacob Bright moved its rejection, and the bill was thrown out by a majority of 208 to 46.

May 19.—*The Case of Mr. Edmunds.*—Sir James Elphinstone asked the Chancellor of the Exchequer whether it was true that he was about to incarcerate Mr. Edmunds? He suggested that the object was to hamper him in his action for libel against the Treasury.—The Chancellor of the Exchequer said that a writ had been issued for the £7,000 odd in which the arbitrators had found Mr. Edmunds indebted. The law officers had advised this course, and he certainly did not intend to hold his hand; this need not interfere with Mr. Edmunds' action.—Mr. Horsman thought that Mr. Edmunds, though foolish and obstinate, had not been guilty of any fraudulent practice making him worthy of incarceration.—The Attorney-General said that, though he would not accuse Mr. Edmunds of fraud, the case against him had a serious aspect.—Sir J. Elphinstone gave notice that on a future day he would move for a commission.

The *Irish Land Bill.*—Committee. New clauses.—Sir John Gray proposed a clause providing for a scheme of "Permissive Parliamentary Tenant Right." The absolute owners of estates not within clauses 1 and 2 were to be able to register them as coming under regulations by which a tenant should not be disturbed in his holding except for non-payment of rent, subletting, or waste, the rent to be determined in case of disagreement by the arbitration, at stated intervals, of the Court. The limited owner was not to be able to bind the estate beyond thirty-one years after his death.—Mr. Chichester Fortescue opposed the scheme, as being in reality perpetuity of tenure.—Mr. C. Read, Dr. Ball, the Solicitor-General for Ireland, and Mr. G. Gregory also opposed it.—Mr. W. H. Gregory, Mr. Synan, Mr. M'Mahon, Lord St. Lawrance and Mr. O'Reilly supported it. It was rejected by a majority of 317 to 29. A clause proposed by Sir H. Bruce, to render letting in conacre a sub-letting, under certain circumstances, was rejected by a majority of 177 to 90.—Progress was then reported.

IRELAND.

COURT OF EXCHEQUER.

(Before FITZGERALD and DEASY, BB.)

May 13.—*In re George Drinan.*

Waters, Q.C., and *Mark O'Shaughnessy*, for Mr. Drinan, moved that he be admitted an attorney, under the provisions of the 29 & 30 Vict. c. 84, under the following circumstances:—It appeared that he had for nine years been in his father's office in Cork, was articled in June, 1866, and conducted his father's business. His father, Mr. William Andrew Drinan, died on the 1st of May instant, and it was absolutely necessary for the interests of his clients that the applicant should be at once admitted, as several suits were pending in various courts. Upwards of twenty of the clients had signed a certificate asking for his admission at once, although he had not served the full five years. Counsel asked that he be admitted without the usual examination, as every day was of importance, and it would take time to prepare for an examination.

Shekleton appeared for the Law Society, and stated that his clients would not consent unless he passed an examination.

After some discussion,

The COURT decided that Mr. Drinan should be admitted provided that he passed an oral examination, which it was, arranged should take place on Monday next.

(Before Master BURKE and a Jury.)

May 14.—*Goddard* v. *Canavan.*

This was an action for penalties for practising as an unlicensed conveyancer in contravention of 27 Vict. c. 8, s. 3. It now came before the master for assessment of damages. The plaintiff was secretary to the council of the Incorporated Law Society, but the case had been virtually instituted by the judges of the Court of Bankruptcy and

Insolvency. It transpired in the matter of F. Little, an insolvent, that the defendant, a law clerk, had prepared two leases, bearing date respectively the 6th and 8th of December, 1869, which fact the defendant admitted, and on that admission the proceedings were instituted by the plaintiff as the officer of the Law Society. The defendant had allowed judgment to go by default, but had forwarded to the plaintiff a statement to the effect that he had only acted as a scrivener, and that he had merely filled up the blanks in printed leaves as clerk to a Mr. George Robert Magrath, an attorney.

Shekleton, for the plaintiff.

The MASTER, in charging the jury, dwelt on the importance of the case to the public, who were on many occasions indebted to the Law Society for the vigorous manner in which they took up and prosecuted all matters in which the character of their profession was at stake and the public interests endangered, and he directed the jury to assess such damages by way of penalties as they should think would meet the exigencies of the present case.

Verdict, £5 for each offence (there being two), with 6d. costs.

THE INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS.

The half-yearly meeting of this society was held on the 14th instant, in the Solicitors' Hall, Sir J. T. Orpen, President of the Society, in the chair.

The statement of accounts for the half-year was adopted, showing a balance to the credit of the society, amounting to £684 4s. 10d.

In reply to Mr. Shannon,

Mr. Goddard, secretary, stated that no compromise or arrangement had been entered into respecting the relations existing between the society and the benchers.

Mr. Shannon called attention to the question of an amalgamation of the professions of barrister and solicitor, which had recently excited a great deal of attention in England. It was a matter which, he thought, should be fully considered, as many of his profession were opposed to, and many in favour of, the proposal. Of course the society had every confidence in the council that represented them.

Mr. Dillon observed that opinion on the subject was very much divided, but he hoped the council would give the matter their serious consideration.

Mr. Findlater called attention to a case which had recently come before the Court of Common Pleas, in which an attorney's clerk had sought to be admitted to practice on the ground that he had served ten years. Since the education movement had taken place, it had been the desire of the council to elevate as much as possible the educational standard; but he was sorry to say that they had not been met by the other branch of the profession in the same spirit. The judges had put a construction on the Act of Parliament which, he believed, it never was intended to bear—that a man acting in any capacity in an attorney's office for ten years could be looked upon as having served ten years. According to the interpretation of the judges, the solicitors would be obliged to receive persons into their profession of whom they did not approve.

Mr. Macrory said it seemed as if the Bench considered the particular function of an attorney was to prepare a bill of costs. One judge had stated that it was their great effort of memory and imagination. It might be a good joke, but it was rather stale, and did not come well from the quarter from which it had proceeded.

Mr. Goddard mentioned a case in which he had appeared to-day before Master Burke, on the part of the society, in which an attorney's clerk, named Michael Joseph Canavan, had prepared certain conveyances in the hope of fee, gain, and reward. The case was in the nature of an inquiry, and had been referred by Judge Miller, of the Bankruptcy Court, to Master Burke. The inquiry was instituted under the 27th Vict. c. 8, s. 3, and he wished it to be known that there was a statute applicable to such cases. Master Burke held the inquiry with a jury of six, who assessed damages at £5 for each offence.

Mr. W. M. Jones said it was desirable that the question of the abolition of the solicitors' licence duty should not be allowed to rest. It had formerly been urged as an objection that the state of the revenue could not afford it; but now the Chancellor of the Exchequer had a surplus of £4,000,000, and it was to be hoped that next year there would be a larger surplus still. It was a tax which placed the solicitors on a par with pedlars, auctioneers, and people of that sort, and the council ought to take measures to have it removed, if possible.

Mr. Shannon observed that on a previous occasion, when they sought to have the tax abolished, Mr. Gladstone had said that they might as well be asked to abolish the licence duty on hawkers, pedlars, &c. But, by the present budget, these, their fellow-sufferers, were relieved (laughter), but the solicitors were left out in the cold still.

The Chairman, in reference to the previous subject, said that in the Chancery Act an interpretation clause had been inserted to the effect that "the words 'town agent' shall mean town agent being a practising solicitor."

M. H. A. Dillon, referring to the question of the abolition of the solicitors' licence duty, said that recently, while he and some other members of the council were in London on another matter, Mr. Denman kindly undertook to present to Parliament a petition which they had drawn up on the subject. Mr. Denman, however, at the same time informed them that, to his knowledge, the opinions of the solicitors of London did not coincide with theirs in reference to the question of the abolition of the tax.

Mr. Anderson having been called to the second chair, the proceedings terminated with a vote of thanks to the Chairman.

OBITUARY.

MR. H. R. BAGSHAWE, Q.C.

Henry Ridgard Bagshawe, Esq., Q.C., Judge of the Clerkenwell County Court, died on the 16th of May, at his residence, Fellow's-road, Haverstock-hill, in the seventy-first year of his age. He was the youngest son of the late Sir William Chambers Bagshawe, of The Oaks, near Sheffield (formerly High Sheriff of Derbyshire), by Ellen, daughter of N. Ridgard, Esq., of Gainsborough, Lincolnshire. He was born in 1799, and was educated at the grammar-schools of Oakham and Richmond, in Yorkshire, whence he proceeded to Trinity College, Cambridge, where he graduated B.A., in 1822. He was called to the bar at the Middle Temple in November, 1825, and practised for many years at the Chancery Bar; he was created a Queen's Counsel in 1854. Shortly after this he was elected a Bencher of the Middle Temple, and served in his turn as treasurer of that society. In October, 1831, he was appointed Judge of the County Courts of Cardiganshire, Carmarthenshire, and Pembrokeshire (Circuit No. 31), which office he filled till June, 1868, when he was transferred to the Clerkenwell district (Circuit No. 41). He was a Justice of the Peace for Middlesex, and also for the several Welsh counties wherein he formerly exercised judicial functions. The late Mr. Bagshawe married, in 1824, Catherine Elizabeth, eldest daughter of John Gunning, Esq., C.B., who was Surgeon-in-Chief of the British Army at the Battle of Waterloo, by which lady he had a family of five sons and five daughters.

MR. W. SWAINSON.

Mr. William Swainson, solicitor, of Portsmouth, died on the 17th May, at High-street, Portsmouth, age sixty-two years. Mr. Swainson was certificated in Hilary Term, 1845, and for some years was employed in the legal department of Somerset House, where his father had also served. About ten year ago he was appointed solicitor to the Admiralty at Portsmouth, and also held the office of Admiralty coroner for the county of Southampton and the Isle of Wight. Last year Mr. Swainson acted as Churchwarden of the parish of St. Thomas, Portsmouth, and at the last Easter vestry he consented to act again in that capacity.

Mr. William H. G. Jones, solicitor, of Crosby-square, City, having recently been appointed a magistrate for Merionethshire, in North Wales, has withdrawn from the profession of the law in London, and resigned the office of vestry-clerk to the parish of St. Helen's, Bishopsgate-street. At a recent meeting of the vestry of this parish, a very complimentary vote of thanks was passed to Mr. Jones, "for the very efficient manner in which he had fulfilled the duties of the office for a period of forty-five years, and for the courtesy that had all that time marked his bearing towards the parishioners." Mr. Jones has also resigned all his other appointments in the City, retaining only his connection with the Corporation of London, of which he is now the senior member.

SOCIETIES AND INSTITUTIONS.

THE LAW ASSOCIATION.

The annual general court of the above association was held on Thursday at the Law Institution, Chancery-lane, Mr. G. Harding in the chair. Mr. Boodle, the secretary, read the report, which stated that during the year thirty cases had been relieved by the distribution amongst them of £1,302, and £200 had been distributed among twenty-two cases of the widows and families of non-members. Two recipients of the association's relief had died during the year, and had been replaced by the widows of two members who had died. During the year eleven members had died, and six had withdrawn, while eight new members had been enrolled. The capital stock of the association now amounts to £33,225 6s. 8d., yielding annual dividends amounting to £1,148. In addition to the income from the dividends the annual subscriptions of 305 members amounted in the past year to £640 10s.; making the total income £1,788 10s. The sum of £150 had been voted to the directors for the ensuing year, to enable them to meet applications for relief from the widows and families of non-members. The chairman, with a few remarks as to the great and growing usefulness of the association, moved the adoption of the report.

LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society, held on Tuesday, the 17th of May, Mr. Hepburn in the chair, the question for discussion was No. CLXXXVII. Jurisprudential: "Should conventual and monastic establishments be subject to Government inspection?" Mr. Gordon opened the debate in the affirmative, on which side the question was decided by a large majority.

LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY.

PRELIMINARY EXAMINATION.

The Preliminary Examination in General Knowledge will take place on Wednesday, the 26th, and Thursday, the 27th October, 1870, and will comprise:—

1. Reading aloud a passage from some English author.
2. Writing from dictation.
3. English Grammar.
4. Writing a short English composition.
5. Arithmetic—A competent knowledge of the first four rules, simple and compound.
6. Geography of Europe and of the British Isles.
7. History—Questions on English History.
8. Latin—Elementary knowledge of Latin.
9. 1. Latin. 2. Greek, Ancient or Modern. 3. French. 4. German. 5. Spanish. 6. Italian.

The Special Examiners have selected the following books, in which candidates will be examined in the subjects numbered 9 at the Examination on the 26th and 27th October, 1870:—

In Latin . . .	Livy, Book I.; or Ovid, Fasti, Book I.
In Greek . . .	Euripides, Medea.
In Modern Greek	Βιντσέντζος Ἱστορία τῆς Ἀμερικῆς βιβλίον ζ'.
In French . . .	Chateaubriand:—1. Atala; 2. René; or Racine, Mithridate.
In German . . .	Lessing's Fabeln; or Wieland, Oberon, Gesang 6—12.
In Spanish . . .	Cervantes, Don Quixote, cap. xv. to xxx., both inclusive; or Moratin, El Sí de las Ninas.
In Italian . . .	Manzoni's I Promessi Sposi, cap. i. to viii., both inclusive; or Tasso's Gerusalemme, 4, 5, and 6 cantos; and Volpe's Eton Italian Grammar.

With reference to the subjects numbered 9, each candidate will be examined in one language only, according to his selection. Candidates will have the choice of either of the above-mentioned works.

The examinations will be held at the Incorporated Law Society's Hall, Chancery-lane, London, and at some of the following Towns:—Birmingham, Brighton, Bristol, Cambridge, Cardiff, Carlisle, Carmarthen, Chester, Durham, Exeter, Lancaster, Leeds, Lincoln, Liverpool, Maidstone, Manchester, Newcastle-on-Tyne, Oxford, Plymouth, Salisbury, Shrewsbury, Swansea, Worcester, York.

Candidates are required by the Judges' Orders to give one calendar month's notice to the Incorporated Law Society, before the day appointed for the examination, of the language in which they propose to be examined, the place at which they wish to be examined, and their age and place of education. All notices should be addressed to the Secretary of the Incorporated Law Society, Chancery-lane, W.C.

LECTURES AND LAW CLASSES AT THE INCORPORATED LAW SOCIETY.

Mr. H. M. BOMPAS, Lecturer and Reader on Common Law and Mercantile Law—Monday, May 23, class A. Tuesday, May 24, class B. Wednesday, May 25, class C. —4.30 to 6 p.m.

Friday, May 27, lecture—6 to 7 p.m.

COURT PAPERS.

THE BANKRUPTCY REPEAL AND INSOLVENT COURT ACT, 1869.

RULE OF COURT.

It is ordered,—That where application to the Court for postponing the close of an insolvency is made by the provisional and official assignee by reason of any insolvent debtor being under contempt of court, or being under obligation to make or having omitted to make any payment in pursuance of any order or proposal under his insolvency, or upon any other grounds, there shall be filed, instead of the affidavit mentioned in rule 30, a certificate by the aforesaid officer or the assistant receiver, setting forth the grounds for such application. A copy of the order, if any, made on such application, must be served on the insolvent debtor or his representative, and any other parties intended to be bound or affected thereby, in such manner as the judge shall direct, and thereon proceedings shall be taken as in rule 30.

HATHERLEY, C.
JAMES BACON,
Chief Judge in Bankruptcy.

AMERICAN JURYWOMEN.

An American contemporary prints a letter from Judge Howe of Cheyenne, Wyoming, containing the following remarks on a grand jury "*de medietate sexus*":—

"These women chose to serve, and were duly empanelled as jurors. They are educated, cultivated Eastern ladies, who are an honour to their sex. They have, with true womanly devotion, left their homes of comfort in the States, to share the fortunes of their husbands and brothers in the far west, and to aid them in founding a new state beyond the Missouri. . . . These women acquitted themselves with such dignity, decorum, propriety of conduct and intelligence, as to win the admiration of every fair minded citizen of Wyoming. They were careful, painstaking, intelligent, and conscientious. They were firm and resolute for the right as established by the law and the testimony. Their verdicts were right, and after three or four criminal trials the lawyers engaged in defending persons accused of crime began to avail themselves of the right of peremptory challenge to get rid of the women jurors, who were too much in favour of enforcing the laws and punishing crime to suit the interests of their clients. After the grand jury had been in session two days, the dance-house keepers, gamblers, and *demi-monde* fled out of the city in dismay to escape the indictment of women grand jurors. In short, I have never, in twenty-five years of constant experience in the courts of the country, seen a more faithful, intelligent and resolutely honest grand and petit jury than these.

"A contemptibly lying and silly despatch went over the wires to the effect that during the trial of A. W. Howie for homicide (in which the jury consisted of six women and six men) the men and women were kept locked up together all night for four nights. Only two nights intervened during the trial, and on these nights, by my order, the jury were taken to the parlour of the large, commodious and well-furnished hotel of the Union Pacific Railroad, in charge of the sheriff and a woman bailiff, where they were supplied with meals and every comfort, and at ten o'clock the women were conducted by the bailiff to a large and suitable apartment, where beds were prepared for them, and the men to another adjoining, where beds were prepared for them, where they remained in charge of sworn officers until morning, when they

were again all conducted to the parlour, and from thence in a body to breakfast, and thence to a juryroom, which was a clean and comfortable one, carpeted and heated, and furnished with all proper conveniences. . . . The presence of these ladies in court secured the most perfect decorum and propriety of conduct, and the gentlemen of the bar and others vied with each other in their courteous and respectful demeanour towards the ladies and the Court. Nothing occurred to offend the most refined lady (if she was a sensible lady), and the universal judgment of every intelligent and fair-minded man present was and is, that the experiment was a success."

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, May 20, 1870.
From the Official List of the actual business transacted.

3 per Cent. Consols, 94¼
Ditto for Account, June 94¼
3 per Cent. Reduced 92½
New 3 per Cent., 92½
Do. 3½ per Cent., Jan. '94
Do. 2½ per Cent., Jan. '94
Do. 5 per Cent., Jan. '73
Annuities, Jan. '80 —
Annuities, April, '85
Do. (Red Sea T.) Aug. 1908
Ex Bills, £1000, — per Ct. 5 p
Ditto, £500, Do — 5 p m
Ditto, £100 & £200, — 5 p m
Bank of England Stock, 4½ per Ct. (last half-year) 235
Ditto for Account,

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 209½
Ditto for Account
Ditto 5 per Cent., July, '80 113¾
Ditto for Account, —
Ditto 4 per Cent., Oct. '88 101
Ditto, ditto, Certificates, —
Ditto Enfaced Ppr., 4 per Cent. 92½
Ind. Enf. Pr., 5 p C., Jan. '72 106
Ditto, 5½ per Cent., May, '79 110¼
Ditto Debentures, per Cent., April, '64 —
Do. Do, 5 per Cent., Aug. '73 104
Do. Bonds, 4 per Ct., £1000 24 p m
Ditto, ditto, under £100, 24 p m

RAILWAY STOCK.

Shres.	Railways.	Paid.	Closing prices
Stock	Bristol and Exeter	100	82
Stock	Caledonian	100	74
Stock	Glasgow and South-Western	100	119
Stock	Great Eastern Ordinary Stock	100	42½
Stock	Do., East Anglian Stock, No. 2	100	7
Stock	Great Northern	100	123½
Stock	Do., A Stock*	100	133
Stock	Great Southern and Western of Ireland	100	103
Stock	Great Western—Original	100	72½
Stock	Do., West Midland—Oxford	100	—
Stock	Do., do.—Newport	100	—
Stock	Lancashire and Yorkshire	100	131½
Stock	London, Brighton, and South Coast	100	45½
Stock	London, Chatham, and Dover	100	16
Stock	London and North-Western	100	128¾
Stock	London and South-Western	100	91½
Stock	Manchester, Sheffield, and Lincoln	100	51½
Stock	Metropolitan	100	71½
Stock	Midland	100	127½
Stock	Do., Birmingham and Derby	100	97
Stock	North British	100	36½
Stock	North London	100	121
Stock	North Staffordshire	100	61½
Stock	South Devon	100	47¼
Stock	South-Eastern	100	77
Stock	Taff Vale	100	

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The funds have been very firm during the week, and have established and maintained an advance in price. Foreign securities still maintain the strong position they have now so long held. The railway market has been steady on the whole, though this and the general share market have been not quite so firm as the others.

We understand that Mr. Gordon Whitbread, of the Chancery bar, who is at present the principal secretary to the Lord Chancellor, will succeed the late Mr. H. R. Bagshawe, Q.C., as judge of the Clerkenwell County Court. Mr. Whitbread was called to the bar in 1840.

Mr. George Waters, Q.C., of the Irish bar, took the oaths and his seat as M.P. for Mallow on the 18th May, in succession to Mr. Henry Munster, of the English bar, who was unseated on petition. Mr. Waters was called to the bar in Ireland in Trinity term 1849.

Mr. Justice Lawson, a Judge of the Court of Common Pleas in Ireland, was sworn in a member of the English Privy Council, at Windsor Castle, on the 18th May. Mr. Justice Lawson is also one of the Irish Church Commissioners, on account of his duties connected with which he has been added to the Queen's Council of England.

Judge Blatchford, of New York, has denied a motion to discharge an attachment granted at the suit of John N. Cushing and others, against property in America of John Laird, builder of the *Alabama*, and looking to the recovery of damages for the destruction of the ship *Sonora*.

AMENITIES OF THE NEW YORK BAR.—Just after the adjournment of the M'Farland trial a lively passage occurred between the two leading counsel on either side. The crowd was gradually leaving the court-room, and the Recorder, the City Judge, and many professional gentlemen within the bar were preparing to go to ex-Judge Russel's funeral, when Judge Davis made a remark to the Recorder with regard to Mr. Graham's conduct of the defence, saying that the latter had stated something in one of his bitter speeches that he could not prove. Mr. Graham, who stood near, talking to the prisoner and Mr. Gerry, overheard him, and, rushing up to Judge Davis, shouted, "Do you mean to say that anything that I have said is false?" Before Judge Davis could reply Mr. Graham continued, shaking his clenched fist in Judge Davis's face, "You —— country pettifogger! you are not fit to associate with gentlemen; you ——! I could undress you and spank you like a child. You have insulted every witness I brought on the stand, and you have been paid money to hang this man!" Mr. Gerry and several others rushed up to Mr. Graham, and Recorder Hackett stepped up and interfered, when Mr. Graham pushed him aside, saying, "Don't interfere; you have no right to; you helped this man insult me by your rebuke from the bench." Officers then came between the parties and they were separated, and this ended the matter. The expletives which Mr. Graham used were not very choice. The crowd became highly excited, and one man proposed three cheers for John Graham, which were loudly given. When Mr. Graham went out he was loudly cheered by hundreds who had assembled on the staircase. The jury had departed before this passage between counsel occurred.—*New York Times.*

ESTATE EXCHANGE REPORT.

AT THE MART.

May 11.—By Messrs. EDWIN FOX & BOUSFIELD.

Freehold ground rents of £115 per annum, secured on property at Hornsey-park. Sold £2,380.

Leasehold premises, 1, Berners-street, Oxford-street, producing a profit rent of £110 a-year, lease 28 years unexpired. Sold £1,010.

May 12.—By Messrs. HERRING & SON.

Perpetual yearly rent charge of £100, payable out of the freehold estate of Llwyn, near Dolgelly, Merionethshire. Sold £2,300.

Freehold estate, near Towyn, Merionethshire, known as Bobtalog, containing 565½ acres, with residence, farm yards, cottages, &c. Sold £15,500.

May 13.—By Messrs. EDWIN FOX & BOUSFIELD.

Freehold house and grounds at Walthamstow, let at £20 a year. Sold £300.

Leasehold house and premises, 213, Camden-road, let at £95 a year, ground rent £6 10s. Sold £1,100.

The adjoining house, No. 215, Camden-road, let at £95 a year, ground rent £6 10. Sold £1,100.

Freehold villa residence, 14, Manor-road, Upper Holloway, let at £75 a year. Sold £960.

Freehold villa residence, 17, Manor-road, Upper Holloway, let at £70 a year. Sold £960.

Freehold villa residence, 19, Manor-road, Upper Holloway, in hand. Sold £980.

Beneficial interest in an agreement for a lease with the furniture and effects, 10, Cavendish-place, Brighton. Sold £400.

By Messrs. RUSHWORTH, ABBOTT, & Co.

Leasehold residence, No. 39, Albany-street, Regent's-park, let on lease at £70 per annum, term 47 years unexpired, at £26 per annum. Sold £600.

May 16.—By Messrs. CLEAR & CHEFFINS.

Freehold estate, known as the Ditch Farm, Burwell, near Newmarket, Cambridgeshire, comprising a house, with buildings, and 140a. 1r. 26p. of arable land. Sold £6,900.

By Mr. G. H. DURRANT.

Leasehold five residences, Nos. 1 to 5, Westwood-park, Forest-hill, and a plot of land in the rear, producing £380 per annum, term 99 years from 1856, at £15 per annum. Sold £5,000.

May 17.—By Messrs. DEBENHAM, TEWSON, & FARMER.

Freehold residence, with stabling, known as Hill-house, Epsom. Sold £1,500.

By Mr. W. A. BOWLER.

Freehold, the Phipps' Bridge bleaching and garding works, with residence, house, lodge, stabling, &c., at Mitcham. Sold £3,000.

By Messrs. SCORELL & JENKINSON.

Leasehold two houses, Nos. 1 and 2, Hardess-street, Herne-hill-road, producing £54 12s. per annum, term 99 years from 1868, at £8 per annum. Sold £320.

Leasehold villa, No. 20, Loughborough-road, Brixton, let at £52 10s. per annum, term 34 years unexpired, at £10 per annum. Sold £515.

Leasehold villa, known as Woodford-cottage, Loughborough-road, let at £40 per annum, term 34 years unexpired, at £4 5s. 7d. per annum. Sold £395.

May 18.—By Mr. Geo. GOULDSMITH.

Freehold house, No. 10, Thurloe-square. Sold £2,980.

Freehold house, No. 11, Thurloe-sq. Sold £2,980.

Freehold plot of building land, fronting Thurloe-square. Sold £780.

Freehold house, No. 73, Fulham-road, let at £90 per annum. Sold £1,350.

Freehold two houses and shops, Nos. 126 and 124, Marlborough-road, Chelsea, producing £76 per annum. Sold £1,100.

Freehold three houses, two with shops, Nos. 120 and 122, Marlborough-road, and 198, Walton-street, Chelsea. Sold £1,340.

By Mr. Searle.

Leasehold residence, situate at Denmark-hill, Camberwell, term 61¾ years unexpired, at £30 per annum. Sold £1,630.

By Messrs. Edwin Fox & Bousfield.

Leasehold business premises, No. 8, Philpot-lane, City, annual value £250, term 61 years from 1818, at £52 per annum. Sold £630.

Leasehold two houses, Nos. 2 and 4 Chatham-road, Camberwell, producing £59 16s. per annum, term 99 years from 1865, at £10 per annum. Sold £270.

Leasehold four houses, Nos. 10, 12, 14, and 16, Chatham-road, estimated to produce £119 12s. per annum, term same as above, at £20 per annum. Sold £540.

Leasehold residence, No. 1, Windsor Cottages, Haverstock-hill, let at £56 per annum, term 68½ years unexpired, at £6 per annum. Sold £660.

Leasehold residence, No. 2 Windsor Cottages, let at £48 15s. per annum, same term as above, at £5 per annum. Sold £555.

Leasehold residence, No. 3, Windso Cottages, let at £48 15s. per annum, term and ground rent same as above. Sold £620.

By Messrs. Norton, Trist, Watney, & Co.

Leasehold property, Nos. 43 and 44, King William-street; 1 to 3, Globe-court; and 6 & 7, Arthur-street, London-bridge, term 43 years unexpired, at £301 15s. per annum, and underlet for a term at £886 15s. per annum. Sold £7,500.

Leasehold ground-rent of £29 10s. per annum, for 21¼ years, secured on Nos. 1 to 3 Clapham-place, Clapham. Sold £300.

Freehold plot of land, fronting Fountain-road, Tooting. Sold £100.

Freehold ground-rent of £119 17s. per annum, arising from the Exotic Nursery, Tooting, containing 11a. 2r. 24p., with house thereon. Sold £2,700.

Freehold plot of land with buildings thereon, fronting Garratt-lane, Tooting. Sold £880.

AT GARRAWAY'S COFFEE HOUSE.

May 16.—By Messrs. Bailey, Fry, & Wyer.

Leasehold profit rental of £70 16s. per annum, arising from Beauclerc Lodge, Clapham, term 94½ years from 1779. Sold £150.—**Leasehold profit rental** of £107 8s. per annum, arising from a house, with stabling and premises, adjoining the above, term 85 years from 1789. Sold £250.—**Leasehold profit rental** of £68 per annum, arising from three houses in Stockwell-road, term 52 years from 1838. Sold £360.—**Leasehold profit rental** of £18 12s. per annum, arising from a house in Holly-grove, Balham, term 83 years from 1843. Sold £165.

May 17.—By Messrs. Weatherall & Green.

Leasehold residence, No. 54, Gloucester-gardens, Hyde-park, annual value £250, term 95 years from 1847, at £25 per annum. Sold £1,815.

May 18.—By Messrs. Fleuret & Son.

Leasehold public-house, known as the George the Fourth, Leicester-square, term 17 years unexpired, at £60 per annum. Sold £1,630.

Leasehold two houses, Nos. 15 and 16, Chryssell-road, Vassall-road, Brixton, producing £56 per annum, term 31 years unexpired, at £6 16s. per annum. Sold £485.

Leasehold three houses, Nos. 1, Burke-street, and 20 and 22, Pitt-street, West Ham, term 999 years from 1854, at £9 per annum. Sold £105.

Leasehold house, No. 13, Chryssell-road, Brixton-road, let at £26 per annum, term 43 years from 1858, at £4 4s. per annum. Sold £225.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

GOULD—On May 13, the wife of Thomas Gould, of Sheffield, solicitor, of a son.

MELLOR—On May 18, at 68, St. George's-square, S.W., the wife of John W. Mellor, Esq., of a son.

WILLS—On Monday, May 16, at 43, Queen's-gardens, Bayswater, the wife of Alfred Wills, Esq., barrister-at-law, of a daughter.

DEATHS.

BAGSHAWE—On May 16, at 21, Fellow's-road, Haverstock-hill, N.W., Henry Eidgard Bagshawe, Esq., Q.C., in the 71st year of his age.

CHALK—On May 18, at Caen, Normandy, Marie Celestine, wife of Edmund Chalk, solicitor, London, aged 21.

JONES—On May 12, at Beaumaris, Anglesea, John Watkins Jones, Esq., solicitor, in his 42nd year.

LAY—On May 16, James Lay, Esq., solicitor, at his residence, Addington-square, Camberwell, aged 57.

LEATHES—On May 1, at Simla, from the effects of an accident, Charles Edmund Stanger Leathes, Esq., solicitor, Bombay.

POWNALL—On Thursday, May 19, at 20, Harcourt-terrace, S.W., Robert Edward Pownall, late of Bennett's-hill, Doctors'-commons, in the 82nd year of his age.

LONDON GAZETTES.

Winding up of Joint-Stock Companies.

Friday, May 13, 1870.

Unlimited in Chancery.

Company of Proprietors of the Bradford Navigation.—Vice-Chancellor Malins has, by an order dated April 27, appointed William Cowgill, of Bradford, to be official liquidator. Creditors are required, on or before June 10, to send their names and addresses, and the particulars of their debts or claims, to the above. Monday, June 28 at 12, is appointed for hearing and adjudicating upon the debts and claims.

Family Endowment Society.—Creditors other than those resident in Great Britain are, on or before November 2, to send to Mr. John Young, of 16, Tokenhouse-yard, their Christian and surnames, addresses, and descriptions, and the full particulars of their claims. Every creditor holding any security is to produce the same to the official liquidator fourteen days before the 13th of January, 1871, which day, at one o'clock in the afternoon, at the chambers of the Vice-Chancellor, is appointed for hearing and adjudicating upon the debts and claims.

Teignmouth and General Mutual Shipping Assurance Association.—Vice-Chancellor James has, by an order dated March 10, appointed Henry Blanchford, of Teignmouth, to be official liquidator.

Zara Baths Company.—Vice-Chancellor James has, by an order dated May 7, ordered that the above company be wound up. Merriman & Pike, solicitors for the petitioner.

Limited in Chancery.

International Agricultural Credit Bank (Limited).—Petition for winding up, presented May 11, directed to be heard before Vice-Chancellor James on May 27. Clements, Threadneedle-street, for Bircham & Co., Threadneedle-street, solicitors for the petitioner.

John King & Company (Limited).—Petition for winding up, presented May 7, directed to be heard before Vice-Chancellor Stuart on the next petition-day. Lawrance & Co., Old Jewry-chambers, solicitors for the petitioner.

London and Manchester Assurance Company (Limited).—The Master of the Rolls has, by an order dated Feb 10, appointed George Herbert Elyard Brown, of 2, Copthall-buildings, to be official liquidator.

Tuesday, May 17, 1870.

Unlimited in Chancery.

Falcon Life Assurance Society.—Vice-Chancellor James has, by an order dated March 26, appointed Samuel Lowell Price, of 13, Gresham-street, to be official liquidator. Creditors are required, on or before July 1, to send their names and addresses, and the particulars of their debts or claims, to the above. Friday, July 15 at 12, is appointed for hearing and adjudicating upon the debts and claims.

Saltash and Callington Railway Company.—Vice-Chancellor Malins has, by an order dated May 6, ordered that the above company be wound up. Batten, Great George-street, Westminster, solicitor for the petitioners.

Limited in Chancery.

Aberystwith Promenade Pier Company (Limited).—Vice-Chancellor Stuart has, by an order dated May 4, appointed George Tempany Smith, of Aberystwith, to be official liquidator. Creditors are required, on or before June 13, to send their names and addresses, and the particulars of their debts or claims, to the above. Thursday, June 23, at 2, is appointed for hearing and adjudicating upon the debts and claims.

Freehold and General Investment Company (Limited).—Petition for winding up, presented May 7, directed to be heard before Vice-Chancellor James, on the next petition-day. Darville, Lime-street, solicitor for the petitioner.

Freehold Land and Ground Rent Company (Limited).—Petition for winding up, presented May 12, directed to be heard before Vice-Chancellor Malins, on May 27. Tucker, St. Swithin's-lane, solicitor for the petitioner.

Land and Sea Telegraph Construction Company (Limited).—Petition for winding up, presented May 17, directed to be heard before Vice-Chancellor Malins, on May 27. Bird, Guildford-street, Russell-square, solicitor for the petitioner.

London and Manchester Assurance Company (Limited).—Creditors are required, on or before June 15, to send their names and addresses, and the particulars of their debts or claims, to George Herbert Elyard Brown, of 2, Copthall-buildings. Saturday, July 2, at 12, is appointed for hearing and adjudicating upon the debts and claims.

Mariquita Mining Company (Limited).—Petition for winding up, presented May 13, directed to be heard before Vice-Chancellor Stuart on May 27. Day, King's Arms-yard, solicitor for the petitioner.

Sombrero Phosphate Company (Limited).—Petition for winding up, presented May 10, directed to be heard before the Master of the Rolls on May 27. Harper & Co, Rood-lane, solicitor for the petitioner.

Creditors under Estates in Chancery.

Last Day of Proof.

Friday, May 13, 1870.

Beaven, Edwd, Middle Temple, Barrister-at-Law. June 6. Beaven v Jones, V.C. Malins. Terrell & Chamberlain, Basinghall-street.

Besly, Rev. John, Long Benton, Northumberland. June 6. Besly v Dayman, M.R. Bolton, New-square, Lincoln's-inn.

Broughton, Georgiana Sophia, Gt Malvern, Worcester, Widow. June 6. Gowan v Broughton, V.C. Malins. Broughton, Great Marlborough-street.

Colthorpe, Chas, Bedingfield, Suffolk, Farmer. June 3. Tillett v Bedingfield, M.R. Roy & Cartwright, Lothbury.

Crook, Bernard, Tonbridge, near Colne, Lancaster, Draper. June 16. Moore v Hartley, V.C. Stuart. Fluker, Symond's-inn, Chancery-lane.

Ellis, Eliz, Portsea, Southampton, Widow. June 13. Arney v Arney, V.C. Stuart. Hoskins, Gosport.

Glegg, John Baskervyle, Withington Hall, Chester, Esq. June 13. Pheysey v Glegg, M.R.

Kendall, Wm. High Barnes, Lancaster, Yeoman. June 6. Re Kendall, V.C. James. Relph, Barrow-in-Furness.

Stevens, Robert, Aberdeen-ter, Grove-road, Victoria-park. June 21. Stevens v Stevens, V.C. Stuart. Kingsford & Dorman, Essex-street, Strand.

Tuesday, May 3, 1870.

Cave, John, Brambridge, Southampton, Gent. June 13. Lankester v Cave, V.C. Malins. Sewell, Bonchurch.

Colson, Benj, Gt. Woodstock-street, Marylebone, Carver. June 13. Evans v Colson, M.R. Heron, Ely-place, Holborn.

Davies, Matthew Peter, Woburn-place, Gent. May 31. Perrot v Davies, V.C. James. Lechmere, Wimdledon.

Gillingham, Henry James, Winchester, Southampton, Stonemason. June 20. Mulcock v Gillingham, V.C. Stuart. Bailey, Winchester.

Kerridge, Geo Jas, Kinnerton-street, Knightsbridge, Licensed Victualler. June 20. Kerridge v Kerridge, V.C. Stuart. Hunter & Co, New-square, Lincoln's-inn.

Rogers, Ann Eliz, South Leverton, Nottingham, Spinster. June 15. Taylor v Rogers, V.C. Stuart. Newton & Jones, East Retford.

Rolfe, Chas Fawcett Neville, Heacham Hall, Norfolk, Esq. June 11. Rolfe v Rolfe, V.C. Malins. Pollock, Lincoln's-inn-fields.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, May 13, 1870.

Adams, Isaac, Wethersfield, Essex, Farmer. Aug 1. Samuel Adams, Stebbing.

Bayley, Robert, Lichfield, Tailor. June 13. Hinckley & Co, Lichfield.

Bostefeur, Alex, Moscow-rd, Bayswater, Esq. Aug 31. Few & Co, Henrietta-st, Covent-garden.
Bradley, Caroline, Southampton, Widow. July 1. Weston & Sons, Gt James-st, Bedford-row.
Bridger, Jas, Chichester, Corn Merchant. June 1. E. M. Vick, Chichester.
Carr, Wm Statter, Danes-inn, Strand, Esq. June 24. Carr, St Mildred's-ct, Poultry.
Cook, Geo, Malmesbury, Wilts, Grocer. July 1. Handy, Malmesbury.
Coulthard, Margaret, Bushy-pl, Torriano-avenue, Camden-town, Widow. June 13. Sharpe & Co, Bedford-row.
Croxton, Susannah Eliz, Burford, Oxford, Widow. June 14. Lamber & Burgin, John-st, Bedford-row.
Doudney, Edward, Denmark-hill. June 30. Richardson & Sadler, Golden-sq.
Dugdale, Ann, Erith, Kent, Widow. June 15. Neal & Philpot, Great Knightrider-st.
Fisher, Thos, Guildford, Surrey, Esq. June 24. Carr, St Mildred's-ct, Poultry.
Fuller, Cordelia Eleonora, Nutfield, Surrey, Spinster. July 1. Morrison.
Furze, Thos, Richmond, Surrey, Gent. June 20. Smith & Son, Richmond.
Garling, Hy, Southborough Hall, Kent, Esq. June 26. Heath, Basinghall-st.
Graves, Thos, Cheltenham, Barrister-at-Law. June 21. Tooke & Co, Bedford-row.
Haines, Samuel, Brighton, Sussex, Gent. June 27. Boxall, Brighton.
Jones, Harriet, Kingsdown, Wilts, Widow. May 31. Dixon, Pewsey.
Keay, Jas, Perry Barr, Stafford, Ironfounder. June 19. Brevitt, Darlaston.
Lovell, John, Cowley, Gent. May 30. Bird, Uxbridge.
Moore, Jas, jun, Loughborough, Leicester, Grocer. July 20. Burton & Son, Nottingham.
Mycock, Ann, Blackpool, Lancaster, Widow. July 1. Brierley, Blackpool.
Norris, Mary, Lee, Kent, Widow. July 1. Potter, King-st, Cheapside.
Pelliasier, Charlotte Francoise, Albion-grove West, Islington, Spinster. July 1. Meech, Rosherville.
Pepwell, Thos, Wears-passage, Somers-town, Furniture Dealer. June 24. Fox & Robinson, Gresham House, Old Broad-st.
Pitt, Jas, Piccadilly, Hatter. July 1. Potter, King-st, Cheapside.
Prince, Thos, Cambridge, Gas Fitter. Aug 6. Foster, Cambridge.
Richards, Jas. Foston, Lincoln, Gent. July 5. Foottit, Newark.
Rose, Richard, Darlaston, Stafford, Screw Bolt Manufacturer. June 15. Brevitt, Darlaston.
Simons, Wm, Lutterworth, Leicester, Gent. July 15. Fox, Lutterworth.
Stevenson, Geo, Dudley, Worcester, Clothier. June 1. Sanders & Smith, Birm.
Todd, Maria, Heeley, Sheffield, Innkeeper. July 1. Fernell, Sheffield.
Walker, Lucy, West Haddon, Northampton, Spinster. June 30. Fox, Lutterworth.
Wilson, Rev Albert Marriott, Ainstable, Cumberland. July 11. Hayton & Simpson, Cockermouth.
Wood, Wm Praed, South Bank-ter, Kensington, Gent. June 28. Duffield & Bruty, Tokenhouse-yard.

TUESDAY, May 17, 1870.

Bevans, Jas, Weston-super-Mare, Somerset, Gent. July 14. Smith, Weston-super-Mare.
Boreham, Thos, Ealing, Middlesex, Butcher. June 13. Drake & Son, Cloak-lane, Cannon-st.
Caron, Pierre Antoine Ferdinand, Nottingham, Merchant. July 1. Maples, Nottingham.
Chapman, Joseph, Hounslow, Surgeon. July 1. Jones & Co, Queen-st, Cheapside.
Coles, Jas, Hyde-park-st, Esq. July 1. Jones & Co, Queen-st, Cheapside.
Coulson, Eliz, Amwell-st, Claremont-sq, Widow. June 11. Bailey & Co, Berners-st, Oxford-st.
Cowley, John, Church End, Hornsey, Builder. June 15. Sawbridge & Wrentmore, Wood-st, Cheapside.
Ely, Isaac, Easthorpe, Essex, Farmer. July 12. Neck & Donaldson, Colchester.
Evans, Fras Roberts, Debra Doon, British India, Lieut-Col. June 17. Wright & Co. London st, Fenchurch-st.
Forman, Martha, Weston-super-Mare, Somerset, Spinster. June 24. Stead & Co, Romsey.
Gibbs, Wm, Bath, Gent. June 30. Stone & Co, Bath.
Guardner, Eliz, Redditch, Worcester, Widow. June 20. Amphlett, Redditch.
Gunn, Jas, West Bridgford, Nottingham, Cottager. June 18. Johnson, Nottingham,
Hoad, John Cooper, Row Ash, Hants, Maltster. July 1. Sawbridge & Wrentmore, Wood st, Cheapside.
Holland, Jas, Osnaburgh-st, Regent's-park, Esq. July 1. Sawbridge & Wrentmore, Wood-st, Cheapside.
Noyes, John, Lansdowne-pl North, Kensington, Gent. June 11. Darley, John-st, Bedford-row.
Randall, Ethelfleda, Norwich, Spinster. July 1. Cole, Church-st, Clement's-lane.
Sallust, Adolphus, Cross-lane, Idol-lane, Comm Merchant. July 1. Rooks & Co, King-st, Cheapside.
Savage, Rev Jas Anthony, Chester-sq. June 26. Booty & Butt, Raymond-bldgs, Gray's-inn.
Smith, Samuel Loe, Hathern, Leicester, Gent. June 24. Miles & Co, Leicester.
Stuart, Marcia, Englefield Green, Surrey, Widow. June 25. Carew, Bloomsbury-sq.
Vallance, Geo, Bristol, Brewer. June 24. Abbott & Leonard, Bristol
Williams, Maria, Ealing Green, Middlesex, Spinster. July 1. Rowland, Croydon.
Wilson, Chas Stewart Vardon, London, Captain Royal Artillery. July 12. Collins, Reading.
Wood, John, Morden-rd, Blackheath-park, Esq. June 30. Robinson & Co, Charterhouse-sq.
Wooler, Thos, Leeds, Brassfounder. June 7. Middleton & Son, Leeds.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, May 13, 1870.

Bristow, Elwd Robt, Amyard-ter, Twickenham, Carpenter. Feb 26. Comp. Reg May 9.
Schondorf, Michel, Gt Tower-st, Corn Broker. Dec 17. Comp. Reg May 12.

TUESDAY, May 17, 1870.

Tooley, Geo, Walmer-crescent, Notting-hill, Builder. March 18. Comp. Reg May 13.

Bankrupts

FRIDAY, May 13, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Butler, Hy, Gt Castle-st, Regent-st, Clerk. Pet May 5. Spring-Rice. June 2 at 1.30.
Dedman, Wm, High-st, Lower Norwood, Builder. Pet May 11. Spring-Rice. June 10 at 11.
Hearder, Joel, High Holborn, Shoe Dealer. Pet May 11. Spring-Rice. May 26 at 2.

To Surrender in the Country.

Atkinson, Saml Walter, Bradford, Yorks, Packer. Pet May 9. Robinson. Bradford, June 14 at 9.15.
Cawood, Wm, Scarborough, Builder. Pet May 11. Woodall. Scarborough, May 31 at 2.
Coates, John, Leeds, Cloth Merchant. Pet May 11. Marshall. Leeds, May 26 at 11.
Cole, Edwin Treeby, Bristol, Grocer. Pet May 11. Horley. Bristol, May 26 at 12.
Cox, Geo Edwd, Lpool, Dealer in Fancy Goods. Pet May 9. Hime. Lpool, May 24 at 2.
Currey, Wm, Bolton, Lancashire, Picture Dealer. Pet May 11. Holden. Bolton, May 25 at 10.
Down, Jas, Mere, Wilts, Blacksmith. Pet May 9. Wilson. Salisbury, May 30 at 3.
Ellison, Wm Warren, Norwich, Jeweller. Pet May 11. Palmer. Norwich, May 25 at 12.
Howard, Edwd, Fenton, Lincoln, Farmer. Pet May 9. Uppleby. Lincoln, May 27 at 3.
Lees, Jas, & Wm Lees, Denton, Lancashire, Common Brewers. Pet May 10. Hall. Ashton-under-Lyne, May 25 at 3.
Sherman, Chas, Shere, Surry, out of business. Pet May 10. White. Guildford, May 28 at 11.
Taylor, Geo Hy, Birkby, Huddersfield, Cotton Waste Dealer. Pet April 23. Jones, jun. Huddersfield, May 25 at 11.
Thompson, Arthur Raine, Horsham, Sussex, Miller. Pet May 7. Evershed. Brighton, May 27 at 12.

TUESDAY May 17, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Baragwanath, John Phillips, Upper Thames-st, Engineer. Pet May 13. Brougham. June 3 at 12.
Barnett, Hamilton Brown, Northumberland-ct, Strand, Government Clerk. Pet May 13. Brougham. June 3 at 12.30.
Brooks, Arthur, St Peter's-chambers, Cornhill, Gent. Pet May 12. Spring-Rice. June 9 at 11.30.
Harradine, Thos, Birchin-lane, Discount Broker. Pet May 12. Pepys. June 9 at 11.
Young, Edmund Richd, Monks Coppenhall, Cheshire, Boiler Maker. Pet May 13. Brougham. June 3 at 11.30.

To Surrender in the Country.

Butler, John, Salisbury, Wilts. Pet May 12. Wilson. Salisbury, May 30 at 3.30.
Deacon, Wm, Fleckney, Leicester, Baker. Pet May 12. Ingram. Leicester, May 11 at 12.
Dodd, Jas, jun, Winsford Cheshire, Grocer. Pet May 14. Broughton. Crewe, May 28 at 10.30.
Gleave, Thos, Widnes, Lancashire, Shipbuilder. Pet May 14. Hime. Lpool, June 1 at 2.
Jepson, John, Hulme, Manch, Warehouseman. Pet May 12. Hulton. Salford, May 30 at 11.
Johnson, Geo, Cobridge, Stafford, Grocer. Pet May 13. Challinor. Hanley, May 30 at 11.
Levitt, Robt, Manch, Yarn Agent. Pet May 12. Lay. Manch, June 2 at 9.30.
Maddison, Geo, Swaffham, Norfolk, Grocer. Pet May 12. Partridge. King's Lynn, May 31 at 11.
Matthews, Thos, Southall-green, Schoolmaster. Pet May 13. Darvill. Windsor, May 28 at 12.
Matthison, Jas, Twickenham, Travelling Draper. Pet May 14. Ruston. Brentford, May 31 at 10 30.
Napper, Edwin, Newport, Monmouth, Confectioner. Pet May 13. Roberts. Newport, May 31 at 1.
Pedley, Thos Key, Hanley, Stafford, out of business. Pet May 13. Challinor. Hanley, May 30 at 11.
Pennington, Wm, Runcorn, Cheshire, Builder. Pet May 12. Nicholson. Warrington, May 27 at 11.
Roper, Frank, Bradford, Comm Merchant. Pet May 13. Robinson. Bradford, June 14 at 12.
Thomas, Thos, Ystrad, Glamorgan, Builder. Pet May 9. Spickett. Pontypridd, May 28 at 10.

BANKRUPTCIES ANNULLED.

FRIDAY, May 13, 1870.

Humphreys, John Geo, Holloway-rd, Islington, Ironmonger. May 9.
White, Edwin Jacob, Broadmead, Bristol, Cabinet Maker. April 14.

TUESDAY, May 17, 1870.

Hall, Geo Lowthian, Elgin-rd, Maida-vale, Artist. May 14.
Kenworthy, John, Roache's Micklehurst, Cheshire, Cotton Spinner. May 14.

UNITED LAW CLERKS' SOCIETY.

ESTABLISHED 1832.

PATRONS.

THE RIGHT HON. THE LORD HIGH CHANCELLOR.
THE RIGHT HON. THE LORDS JUSTICES.
THE RIGHT HON. THE LORD CHIEF JUSTICE OF ENGLAND.
THE RIGHT HON. THE LORD CHIEF JUSTICE OF THE COMMON PLEAS.
THE RIGHT HON. THE LORD CHIEF BARON.

TRUSTEES.

EDWARD SMITH BIGG, Esq., The Hyde, Crawley.
FRANCIS THOMAS BIRCHAM, Esq., Parliament-street.
NATHANIEL CHARLES MILNE, Esq., Temple.

THE UNITED LAW CLERKS' SOCIETY was established in 1832 by a few Managing Clerks, who had long witnessed with pain the distressed condition of many of their fellow Clerks when deprived of health, and the want and privation many underwent when overtaken by old age; also the sufferings often endured by their Widows and Families on their decease, for whom provision was seldom made. A Fund was created by small monthly contributions, out of which relief was to be afforded in sickness, pensions granted to aged and infirm Members, and assistance given to the families of deceased Members.

A Benevolent Fund (to which every Member contributed) was also formed to assist distressed Clerks, whether Members or not, their Widows and Families, with small gifts of money, not exceeding £5. Under certain necessary restrictions, this assistance is afforded to all deserving Law Clerks and their Families whose distress arises through unavoidable misfortune.

The Society at its commencement obtained the support of Edward Foss, Esq., E. S. Bigg, Esq., (the late M. Cloyton, Esq.,) E. W. Scadding, Esq., (the late G. H. Kinderley, Esq.,) (the late R. Maugham, Esq.,) and other eminent members of the Profession, whose early, zealous, and energetic support, has materially contributed to its usefulness and present favourable position.

Among the benefits are—

A weekly allowance in sickness of	£1	1	0
Pensions payable weekly, varying from 10s. to	0	14	0
A payment on a Member's death of	50	0	0
On the decease of a Member's wife, a payment of	25	0	0

In addition, out of the Benevolent or Casual Fund, Law Clerks, whether members or not, and their families, are entitled to relief.

THE THIRTY-EIGHTH ANNIVERSARY DINNER

WILL TAKE PLACE AT FREEMASONS' HALL,

On FRIDAY, the 27th MAY, 1870.

THE HON. THE VICE-CHANCELLOR SIR W. M. JAMES in the Chair.

ACTING STEWARDS.

Mr. J. Allberry.	Mr. E. D. Garwood.	Mr. G. H. Kinns.	Mr. C. J. Osler.
„ J. B. Black.	„ W. E. Jones.	„ John Martin.	„ G. H. Whittell.
„ C. G. Dent.	„ S. W. King.	„ W. Noad.	

TICKETS ONE GUINEA. Dinner on Table at 6 o'clock exact time.

Freemasons' Tavern, April, 1870. HARRY G. ROGERS, Secretary.